ZONING BOARD OF APPEALS

MEETING – JUNE 25, 2015

(Time Noted – 7:00 PM)

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

Ms. Gennarelli: 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 on all applications this evening; but may take up to 62 days to reach a determination. I would ask if you have a cell phone to please turn the cell phone off so that we would not be interrupted. And also when speaking, speak directly into the microphone because it is being recorded.

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

Pledge of Allegiance to the Flag led by John Masten

(Time Noted – 7:03 PM)

ZBA MEETING – JUNE 25, 2015 (Time Noted – 7:03 PM)

JORG UWE FRISCHKNECHT 2 CHEVY STREET, NBGH

 (70-3-1) R-3 ZONE

Applicant is seeking area variances for the front yards setbacks for an existing house on Lot #2 of a proposed two-lot sub-division (proposed Lot #2 would have two front yards Chevy Street and East View Road).

The recording devices were not turned on.

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

Mr. Jonathan Cella was the Proxy representative and was unable to attend the meeting. There was some discussion about Mr. Jonathan Millen representing Mr. Frischknecht. He said that Mr. Frischknecht had an emergency and could not attend the meeting and asked him to come. Ms. Gennarelli said that we do not have a Proxy for Mr. Millen. Mr. Manley said that we should defer the Hearing until next month. Mr. Levin made a motion to that effect. Mr. Masten seconded. There was discussion about re-mailing and re-publishing the Notice. Some people in the audience raised their hands. Mr. Donovan said that there were members of the public in the audience here to speak about the application this evening and the Board, if they wanted to, could hear the application if Mr. Millen would bring in the Proxy timely and it would be subject to that. Mr. Levin rescinded his motion. There was a member of the audience who wished to make a point of order, Mr. McKelvey said no. Mr. Donovan said they are not a Board Member and they could not. The Board then decided to hear Mr. Millen present the application and the public that were in attendance would be able to comment and that they would not vote on the application this evening and hold it open until July. Mr. Millen introduced himself as the surveyor and started to explain the application and variances needed. Mr. Manley questioned Mr. Millen on the Code Compliance information provided the Board and starting with the 2012 incident reported in the paperwork. Mr. Millen said that the applicant didn’t know about this but there were some minor issues that the applicant said he complied with and he believed were resolved.

This is the point Ms. Gennarelli realized the recording devices were not on and started the recording.

Mr. Millen: …on this lot…

Mr. Manley: Okay.

Mr. Millen: …proposed Lot 1.

Mr. Manley: And has the size of the home on the new lot been proposed yet or has there been anything done with respect to…to that? Any plans that have been given to the planning board with respect to that…that house?

Mr. Millen: Not that I’m aware of other than the footprint as its shown on the…on the subdivision plan.

Mr. Manley: And has the plan for that home to be a one-family or is it the plan to create another boarding house?

Mr. Millen: A…sir, that is the plan is to make it a single-family and Mr. Frischknecht a…advised me that he wasn’t privy to or aware of the boarding house situation until he was notified.

Mr. Manley: Now the property that’s being subdivide and the subsequent house that’s being built necessitates the needs for these variances without that occurring there would be no need for a variance? Correct?

Mr. Millen: That is correct because even though the house doesn’t meet the setbacks now…

Mr. Manley: It’s grandfathered.

Mr. Millen: …it’s an existing house, it’s a...the variance request is in order to allow Mr. Frischknecht to subdivide his property and sell another…sell the other lot or to have it become a residential property, single family.

Mr. Manley: So currently the applicant does not live in the home that…?

Mr. Millen: That is correct.

Mr. Manley: …that is there presently? It’s a…rental that the applicant has?

Mr. Millen: Yes.

Mr. Manley: And the plan would be for the applicant to a…subdivide and sell the other lot not live in that particular house that is going to be built?

Mr. Millen: Yes, yes.

Mr. Manley: Okay. Thank you.

Mr. Millen: You’re welcome.

Mr. McKelvey: Any other questions from the Board?

No response.

Mr. McKelvey: Comments from the public? Ron…

Mr. Hughes: Do I need to go to the microphone?

Ms. Gennarelli: Yes, please.

Mr. McKelvey: Yes, you do.

Ms. Gennarelli: Sir (Mr. Millen), can I have a card or something, a (business) card…?

Mr. Millen handed in his business card.

Mr. McKelvey: Name.

Mr. Hughes: My name is Hughes, I live in Middlehope. I don’t know if the Board got into the paperwork that accompanied the application’s project here with the flip over situation they’re looking to create another lot. I don’t know if the Board read the section where it requires a (25) twenty-five foot dedication from the center of the double line in the road to the front of the proposed new property. It didn’t show up in any of the other paperwork or any of the numbers of any of the paperwork. Now you’re going to take another twenty-five foot chunk off the front of that property and you’re going to make a situation that’s so bad to begin with. None of those roads are dedicated roads. They are all paper roads. The Town does not have possession of those roads, they don’t plow it, there’s no garbage. There’s water services through the yards here and there throughout. The water pressure isn’t real great there. The parking is terrible. You can’t get emergency vehicles through. And anybody that’s lived there has suffered from the hangover of fifty years of bad planning before they had zoning. Now I would like to be able to speak again after the residents that endure this punishment over there and they can tell you their stories of the horrific situation that exists there now where they can’t get home in the wintertime. They can’t get in and out of there because of the cars with all of the residents of the house parking all over the place and seemingly where they please. There’s a lot of bad things going on around this building and I’ll let the public that lives there and has to endure this speak and then I’ll top it off later.

Mr. McKelvey: Okay.

Ms. Gennarelli: Is there anyone else that wanted to speak if you could come to the microphone? And then just identify yourself for the record. It’s being recorded.

Mr. Coleman: I’m Ron Coleman; I live on 9 Chevy Street which is at the end of this road. Currently we’ve been there for over twenty years and a…I don’t know if you guys…I have a few pictures I’d like you to take a look at. Is that okay?

Mr. McKelvey: Sure.

Mr. Coleman approached the Board with the photographs.

Mr. Coleman: Now basically…

Mr. McKelvey: You’ve got to get to the mic.

Ms. Gennarelli: Either that or just take the microphone with you.

Mr. Coleman: I took some recent pictures of what it looks like with the road opened a…a couple from my driveway and up East View and down Chevy Street. And a…then I’ve taken pictures of about over the last year or two of numerous times that people have blocked the road. All of them living in this house as you just said before, 2012 or whatever there was a…on the mailbox I’ll say twelve different names of different people living in this one house. Okay? There’s a room upstairs that they’ve been renting out using as a two-family it’s zoned for one-family. A…I run a business out of there and it makes it very difficult and a few of the other things that have happened during this time a…are like the last snowstorm two years ago the tenants actually pushed the snow out their East View driveway into the middle of the road. And if you look on the pictures that come by there you’ll see up the hill where there’s no snow right now but imagine trying to plow through twelve inches of snow with a huge pile at the top of it and then Uwe, who is not here, which I really wish he would be to answer some questions a…supposedly doesn’t know about this? But I’ve called him on numerous occasions for issues regarding tenants that are there. So a…I am just really concerned for the safety as you can see in the pictures with the disregard for the safety of my family and the other resident at 5 Chevy Street who if you look in the pictures they have no driveway to park in whereas this house has a driveway off of East View and a…so you know, they’ve really you know, Uwe is not there to manage the situation. Now if he was living in the house I might be more receptive to something that he would want to change however he’s not there. He…he’s you know caring what goes on a…and then I just feel that originally his a…statement was in April from his a…I guess attorney or whoever that the house was going to be made a lot and the lot was going to be sold. Now we’re talking about building a house there which as far as I see it is going to become another rental once everything goes through. So those are pretty much my concerns. I can pick those pictures up you know when you get a minute. That’s pretty much all I have to say. Thank you very much.

Mr. McKelvey: Thank you.

Ms. Gennarelli: Did you want to submit the pictures or…?

Mr. Coleman: Yes, can I submit the pictures?

Ms. Gennarelli: Yes.

Mr. Coleman: That would be great.

Ms. Gennarelli: They are for the file.

Mr. Coleman: You can keep them all…all right.

Ms. Gennarelli: Okay, thank you.

Mr. Coleman: Thanks.

Mr. McKelvey: Anyone else?

Mr. Cote: I’m Alan Cote. I live at 11 East View and 12 East View. I face the house across the street as Ron stated it is a boarding house. It’s been a boarding house since the man has bought the house. The Town has spent, I can’t figure, thousands of dollars running water up our street and sewers. What good is it when the fire or the ambulance cannot get up the hill or get to the fire hydrants in case they are needed? The man does not care about us up there. He doesn’t have adequate parking up there. His driveway, if he used it, coming off Fifth Avenue cleaned it up and cut away the brush he would have enough parking for that building. But the driveway that coming off Fifth Avenue is overgrown and they decided to use our road as their private parking area and I believe he should be forced to make parking for his own a…building. I mean he is going ahead with a house or a lot that he already has…he says he’s not going to build a house but it looks like in the plans he is building a house because they say it’s going to be two-stories. How do you know how big the house is if you’re not planning on building one? So I think the main issue is we should worry about parking before we worry about a house. That’s all I have to say. Thank you.

Ms. Gennarelli: Is there anyone else that wants to speak?

Mr. Donovan: Do you mind Ron if I ask a question of the surveyor?

Mr. Hughes: Go ahead.

Mr. Donovan: Come on up. So do you know does this…

Ms. Gennarelli: Can you come back to the microphone? Thank you.

Mr. Donovan: …does this lot have a legal right to use Chevy, East View and Fifth? I’m looking at the deed that was provided with the application and it…at the end of the description it…it simply says together with the right of way over a private road, to and from public highway. So I’m…I’m showing…these are, as I understand it, all private roads?

Mr. Millen: Yes.

Mr. Donovan: So is there…is there one or more? Do you have any knowledge of that?

Mr. Millen: With respect to is there one or more…?

Mr. Donovan: Well this…to me this is not clear when it says together with a right of way over a private road to and from public highway since there’s three private roads.

Mr. Millen: I would…my interpretation of that would be a…Fifth Avenue which would be the…the road that’s leading to the private road…I mean to the a…public road.

Mr. Donovan: So the existing two stone residence where…where is the driveway and where does that go out on?

Mr. Millen: As the other gentleman mentioned there was…and it’s overgrown now…there was a driveway that…

Mr. Donovan: For the folks that live there now how…how do they get out to Fifth Avenue?

Mr. Millen: They go down Chevy Street and make a…

Mr. Donovan: No…no I mean the…the application…your clients’ residents.

Mr. Millen: Right. They go down Chevy Street and make a left and go down to East View and then go either right or left on Fifth Avenue.

Mr. Donovan: Do you know if they have a legal right to do that? I’m saying the paperwork you delivered is not clear.

Mr. Millen: Okay.

Mr. Manley: So then the question would be…the new lot that they want to create…how will they get on to Fifth Avenue? Chevy Street or Fifth Avenue?

Mr. Donovan: My point…

Mr. Millen: Directly on to Fifth.

Mr. Donovan: …exactly. Because if…if they only have the legal right to go out on Fifth Avenue and then they’re…they’re going to foreclose that right by subdividing the lots and that’s an issue that we need to…needs to be resolved. I mean there may be an answer to it but it’s not in this paperwork.

Mr. McKelvey: Well is Chevy Street a paper road?

Mr. Hughes: They are all paper.

Mr. McKelvey: They are all paper?

Mr. Hughes: Yes.

Mr. McKelvey: Okay.

Mr. Donovan: I’m sorry Ron I didn’t mean to cut you off.

Mr. Hughes: That’s quite all right.

Mr. Maher: So in fact if it’s a private road is there…is there an agreement currently…?

Mr. Hughes: No.

Mr. Maher: …in place for the a…road?

Ms. Gennarelli: Excuse me. If you are going to speak you have to come up so it gets on the record. If you could just say your name, say it again.

Mr. Coleman: I’m Ron Coleman again; 9 Chevy Street and I should mention that I’ve basically been the maintainer of the plowing services since about 1999 on that road. And you know pretty much been doing any maintenance as far as you know the brush on the edge and stuff like that.

Mr. Maher: So…so to your knowledge there’s no maintenance agreement?

Mr. Coleman: There is no maintenance agreement. It’s kind of just you know everybody’s supposed to kind of…you know like all private roads, it’s always a tough thing to…to work out with everyone. That’s why my concern is giving him this variance, gives him more leverage to block the road, in essence, is the way I’m looking at it. A…but on top of him not being there you know there’s no contribution from him a…as far as maintaining the road towards me or anything like that.

Mr. McKelvey: You bearing the cost of doing these roads?

Mr. Coleman: Yes I do.

Mr. Manley: Now the applicant for the variance testified that they used to have egress via Fifth Avenue but that has become overgrown so now they’re using Chevy Street.

Mr. Coleman: Right, well if you…Fifth…Fifth Avenue…East View is the one that comes off of Fifth Avenue and if …if you look at those pictures I actually have their driveway comes on to East View Road and then the other road in the back, that’s Chevy Street if you look at the wall they actually knocked down about ten foot of that wall cause it used to just be a walkway and now they park their cars there and they still park on the road. So they’ve started to, you know, be using Chevy Street whereas they used to use Fifth Avenue years ago and then their driveway is on East View and that’s why you know I’m concerned with why they need to you know, they really shouldn’t be on Chevy Street. I mean…basically.

Mr. Manley: I didn’t count how many houses are on…that currently are on Chevy…Chevy Street?

Mr. Coleman: One, two, three, four, five, I believe there’s six up there.

Mr. Manley: Chevy?

Mr. Coleman: All together.

Mr. Manley: Excluding this one or including this one?

Mr. Coleman: Including the one that’s there right now.

Mr. Manley: So five were…originally had original access to Chevy Street?

Mr. Coleman: Well actually there’s really two that are on Chevy a…there’s 5 Chevy which is the little stone house and myself 9 Chevy and then the back of their house is towards Chevy Street and then the rest of the houses are off of East View coming up.

Mr. Manley: Okay.

Mr. McKelvey: Ron.

Mr. Hughes: Yes, my name is Hughes I live in Middlehope. I won’t hold his youth against him he was only there since ’99. In ’49 when this all started to become crazy, like Mr. Donovan pointed out, that driveways elimination now is what the right of way that the original house had to get to Fifth Avenue. Over the years they’ve chiseled by imposing to goup East View and then on to Chevy to get to that particular building. By this subdivision you’re eliminating the driveway which is the original right of way for the house on the top of the parent parcel and you don’t dare do that because number one the square footage of the driveway alone is going to put it way overboard and you’ll never get a way to get back up to that house on the top, over here in the legal bundle. But now as far as access for ingress and egress these guys at the hill at the top are parking all over the place and they’re parking on a road they are not entitled to be on, on either one of those paper streets which the Town really has no jurisdiction over other than an easement to fix the water and sewer that’s on one of the roads. This is ten pounds of dung in a one pound bag. You can’t come out of this thing if you approve any of it and move it forward because you might not want to live with the results of it. You need to keep the integrity of the right of way to the existing house even though it’s preexisting so that they have a legal right of way in and out of there or the Town will be the guy that’s listed in the (lawsuit) suit about facilitating this improper movement. There’s a lot of bad stuff here. I urge you to hold the Public Hearing open. I agree for the convenience of the people here that you let them have…to say their piece but this could have grown into a can of worms if it went any further. Don’t vote on this tonight, hold the Public Hearing open and take a look for deeded rights of ways…you’ll find nothing.

Mr. McKelvey: Anyone else? Any more questions from the Board?

Mr. Canfield: Just one second John…

Mr. McKelvey: Yeah Jerry.

Mr. Canfield: Just for the record earlier was discussed about a Code Enforcement action that’s currently open and active. Our latest inspection on the parcel in question was the 12th (16th) of June; the house was still being used as a multiple dwelling. There is no intercommunication stairs between the upstairs and the downstairs. It’s all via exterior exits so it is still deemed as an illegal two-family house. It is an active Code Enforcement action that is before the Courts, just for the record.

Mr. McKelvey: Thank you.

Mr. Levin: Jerry, are you aware on the left side of the house there’s a lot of garbage, TV sets, an oil tank that’s hazardous just to lay on the ground like that?

Mr. Canfield: There’s a multitude of violations that are being addressed.

Mr. Levin: Okay.

Mr. Manley: Mr. Canfield just for the record is the applicant aware of these violations?

Mr. Canfield: Yes he has been served.

Mr. Manley: Thank you.

Mr. McKelvey: Do we have a motion to hold this open?

Mr. Manley: I’ll make a motion we hold the Public Hearing open.

Mr. McKelvey: There’s another…hold on, go ahead Ron.

Mr. Hughes: I’m sorry; I forgot to mention one thing.

Mr. Donovan: You should stop walking back there.

Mr. Hughes: I need the exercise. I should roll I’d get there quicker. That twenty-five foot dedication that they’re looking for in…it’s because Fifth Avenue is by use and not by ownership or right and they’re trying to…if anything goes along Fifth Avenue now they’re going to demand for the Town to get that twenty-five foot from the center of the road so that maybe someday they can take possession of it. Even Fifth Avenue has legal problems.

Ms. Gennarelli: Okay, we have a first…

Mr. McKelvey: Do we have a second on the motion?

Mr. Maher: Second.

Mr. McKelvey: Roll call.

Ms. Gennarelli: Just one second…

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Mr. McKelvey: And the date of that?

Ms. Gennarelli: The date is July 23rd. Thursday, July 23rd.

Mr. Manley: So for the residents that are here, the Public Hearing is not closed. We’ll resume on the 23rd. Correct?

Ms. Gennarelli: Yes.

Mr. Maher: 25th.

Mr. McKelvey: 25th.

Mr. Manley: 25th?

Ms. Gennarelli: No, it’s the 23rd.

Mr. Donovan: 23rd.

Mr. McKelvey: 23rd.

Mr. Manley: 23rd of July at 7PM, recommend you probably come back out again if you want to add more to the record.

Mr. McKelvey: Yeah, they won’t re-notice.

Ms. Gennarelli: This was the notice.

Mr. McKelvey: This was the notice.

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 7:32 PM)

ZBA MEETING – JUNE 25, 2015 (Time Noted – 7:32 PM)

JOHN & CAROL HUDELSON 200 OAK STREET, NBGH

 (9-3-50.11) R-3 ZONE

Applicant is seeking an Interpretation of 185-15-A-1 and/or an area variance for the maximum allowed height of accessory structures to build a two-story garage (40 x 30 x 19’6”).

Ms. Gennarelli: Okay John, just before we go on to the next one, you had asked me to do Hudelson which I didn’t yet.

Mr. McKelvey: Yes, please.

Ms. Gennarelli: We received…if anyone is here for 200 Oak Street, the Hudelsons, John and Carol Hudelson…we received a letter from Ms. Hudelson today and it says:

Dear Ms. Cardone and Members of the Zoning Board. We ask that the Board hold our Hearing open until the July meeting. Although we have the information we had requested from Central Hudson we now see that the minutes of the March meeting also mention the telephone lines that go over the construction site. I have contacted Verizon and expected to hear from them by now but I have not yet had a reply. Thank you again for your continuing time and attention. Sincerely yours, Carol Pauli Hudelson.

So they are requesting to be held over to July 23rd also.

Mr. Donovan: So you need a motion to do that.

Mr. McKelvey: Do we have a motion to hold it over?

Mr. Levin: I’ll make a motion to hold it over.

Mr. Masten: I’ll second it.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Ms. Gennarelli: Okay that will be July 23rd also.

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 7:34 PM)

ZBA MEETING – JUNE 25, 2015 (Time Noted – 7:34 PM)

URSULA PETRICEK 13 SNIDER AVENUE, WALDEN

 (32-4-13 & 32-4-14) R-1 ZONE

Applicant is seeking area variances for the maximum lot building coverage and increasing the degree of non-conformity of the front yard setback (Snider Avenue), the rear yard setback and one side yard setback to construct a covered front porch addition (6’ x 20’) with a front deck (11’11” x 19’ 8.5”) on the residence.

Ms. Gennarelli: The next applicant is Ursula Petricek. This applicant sent out forty letters. All the mailings, publications and postings are in order. If you would just introduce yourself for the record please.

Ms. Petricek: Ursula Petricek.

Mr. Petricek: Edward Petricek, husband. A…we’re here tonight for 13 Snider Avenue. It’s a home my wife and my mother bought for her mother. A…her mother is seventy-six years old she lived down in Monroe. We just got her moved up here. We bought a house close to us. We live right on the other side of Rock Cut a...we got her living with us right now but we bought this home a…it’s a single level home. Right now that main entrance is off of Snider. We want to redesign it into a side entrance a…with basically no stairs coming in the house a…to make it easier for her. We are going to…the variance that we’re seeking is a….to do a new gable roof over the one side. There’s a…six foot by twenty-four foot bump out that has like a flat roof sitting on the other roof a…we’re gable roof over that and then we’re gonna put a front porch on that and a deck over to the side…a…and that’s what the variances cover. We do own two lots. The house is on one lot and then there is a corner lot that is empty at this point. That’s the corner of a…Snider and First so the longer side is on First Street. The driveway actually comes in off of First Street crossing through that lot a…years ago I guess the main entrance was coming up Snider up the old set of stone steps, all the way up Snider and then all the way up to the front door. So that’s going to come off the whole front a…where the front door is and the old broken down stone steps a…that side is going to get covered and I think that’s it.

Mr. Donovan: And you’re going to combine the two lots, correct?

Mr. Petricek: A…if that’s what you want us to do we’ll combine the two lots, yup.

Mr. Donovan: But I think that’s what Code Compliance is indicating and I think on this little hand drawn sketch that you would encroach on to one of the lots if you…

Mr. Canfield: I think it would be in your best interest to do that.

Mr. Petricek: Yeah, that’s what Joe had mentioned. Yeah, it…the building itself doesn’t…it’s I think about two feet off the lot but the septic goes into the other lot. The well is on the other lot and everything like that.

Mr. Canfield: Did I hear you say the septic is on the other lot?

Mr. Petricek: A……I think the tank is on…

Mr. Donovan: Do you want to take that back?

Mr. Petricek: I think the tank is on one lot and I think the leech field goes into the other lot.

Mr. Canfield: Okay, it now is a necessity. I think? (Inaudible) It’s not an option at this point.

Mr. Petricek: The well is on the other lot too…so… Okay?

Mr. Canfield: I would think the…

Mr. Donovan: Wait, don’t go away.

Mr. McKelvey: Don’t go away.

Mr. Canfield: I would think the Board needs to see that consolidation before you can take action…based on what was just said.

Mr. Donovan: It’s up to the Board. They could require that or they could make it a condition.

Mr. Canfield: Okay.

Mr. Donovan: Which means you can’t issue the Permit…

Mr. Canfield: That’s correct.

Mr. Donovan: …until that the condition is satisfied.

Mr. Canfield: That’s correct.

Mr. Donovan: The Board could act in that fashion.

Mr. McKelvey: Are there any questions from the Board?

Mr. Petricek: Yes, it’s going to the a…

Mr. Canfield: You can do the consolidation by…through the Assessor’s Office, consolidation of lots perhaps…

Mr. Petricek: Yeah.

Mr. Canfield: …just bring the documentation back to the Board should they chose to go that route.

Mr. Petricek: Okay.

Mr. Maher: Just one more question for you. So the…what you’re adding to the house is a six by twenty deck, covered, well six by twenty in front and then a…a…what’s it, an eleven by…nineteen by twelve basically, eleven by twelve…? Those are the only two additions to the…to the property?

Mr. Petricek: Correct, that’s off the current footprint. That’s the addition, the a…the new gable roof is over the existing structure and then the covered front porch comes off of that…I don’t have…I haven’t looked at it recently so I think that’s what did you say six by twenty?

Mr. Maher: Six by twenty and then…

Mr. Petricek: Right.

Mr. Maher: …twelve by twenty...

Mr. Petricek: So that’s going to be covered. That’s where the new front entrance is going to be and to the right hand side of that is going to be the new deck.

Mr. Maher: So if that’s the case you’re going to combine the two then the…then the building coverage becomes a moot point as far as that goes so that really doesn’t make a difference then. So the building coverage isn’t an issue…

Mr. Petricek: Yeah.

Mr. Maher: And then the…the side yard…(inaudible)…yeah, so the other variances remain the same it’s just the building coverage doesn’t…doesn’t pertain if you combine the lots and eliminates that variance needed.

Mr. Petricek: I think Joe had written it up as if we didn’t combine the lots it needs like seven and if we combine it we need three or four variances. I think he wrote it up both ways. That’s how he explained it.

Ms. Gennarelli: And this is for if you combined it…the ones that are on this for tonight.

Mr. Petricek: If we combined it, okay.

Mr. Maher: Yeah, he listed the four. Well actually I take that back cause it only has the four listed again based on the combined but it still shows the lot coverage…

Mr. Donovan: Building coverage, right? Yeah.

Mr. Maher: I’m just not sure if that still pertains to it though. I would think the adding of the additional lot should…should a…there should be enough there. Right, Jerry? I would think. There’s another five thousand square foot lot there.

Mr. Donovan: The question that Mr. Canfield is looking at now is Mr. Mattina is showing a building coverage a…variance that’s needed in addition to the other increasing the degree of non-conformity. Right, Mike?

Mr. Maher: Yeah, yeah, actually I think…I think Joe is right because it looks like a thousand square foot and that would be the two lots combined.

Mr. Canfield: Right.

Mr. Maher: So in fact yeah that variance would stay there so you still need the variance for the six hundred and seventy feet.

Mr. Petricek: All right.

Mr. Maher: I have nothing else.

Mr. McKelvey: Any other questions?

No response.

Mr. McKelvey: Any questions from the public?

Ms. Gennarelli: Questions or comments from the public? Please come to the microphone and just identify yourself for the record. Thank you.

Mr. Fowler: My name is Art Fowler and I live at 8 Snider Avenue just down the street from the house. I am quite familiar with the home and the previous owner who had the home. Do we have a…any drawings we can look at?

Mr. Petricek had some paperwork he showed.

Ms. Gennarelli: I have the file here.

Mr. Petricek continued showing his paperwork.

Mr. Donovan: Folks, if I could just interrupt for a second because…this is all great but if you want it in the record on the minutes it’s never going to get reflected unless someone speaks into the microphone.

Ms. Gennarelli: You can put it on the board.

Mr. Donovan: Thank you.

Ms. Gennarelli: Take that and put it up on the board and grab Jerry’s mic and explain it to everybody.

Mr. Fowler: All right, I saw the documents. I just want to say that you know I live in eye shot of this house and I have no objections. It looks like an improvement to the property to me. A…I will tell you that I also serve on the Orange Lake Civic Association although I am not here tonight to speak for them I’ve talked to some of the neighbors a…particularly the ones that would be directly across Snider a…that would have the most impact from this and they have no objection. They think it will be an improvement for their view as they look at it, as I think it would be an improvement from the lake. She got a couple of the neighbors here who might have another opinion but that’s mine. Thank you.

Mr. Petricek: While I have the plans up just for the record a…the home has sat vacant for probably three years. I don’t know the timeframe. We bought the home last summer so we’ve been slowly in the process of getting the plans done and this. A…we’re basically…when we’re doing the construction, the home is going to get all new windows, all new siding, all new roof, basically all the windows are generally in the same area that they are now a… and like we said looking from the Orange Lake side that’s where the existing door is now, the old broken steps going up to that and then this is the gable roof off of the side. There’s a short a…basically flat roof leaning on the other roof for this bump out right here and this would be the new covered front porch right here and then the new deck would be over on this side. This is the south side of the house facing First Street. Also for the record, my mother lives across the street and she is the closest neighbor so if she has no objections and a…that’s it. I leave that up until we’re done.

Mr. McKelvey: Any other comments from the public?

Mr. Tierney: My name is Mark J. Tierney I’m at 4 Snider Avenue. I’m in view of this house a…this applicant has a…a…actively maintained the property since they purchased it. They’ve made the effort of keeping the lawn mowed which is in…was in dire need of attention. That house needs a lot of attention and I’m in support of a…this variance, any variances they need to a…improve the property. The house is in view of my house and I too know the former owner and I’m familiar with this house and a…I’m in support of a…any variance they need to proceed. Thanks.

Mr. McKelvey: Thank you. Any others? Any other comments from the Board?

No response.

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

Mr. Masten: I’ll second.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Ms. Gennarelli: Thank you.

 (Time Noted - 7:45 PM)

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ZBA MEETING – JUNE 25, 2015 (Resumption for decision: 8:40 PM)

URSULA PETRICEK 13 SNIDER AVENUE, WALDEN

 (32-4-13 & 32-4-14) R-1 ZONE

Applicant is seeking area variances for the maximum lot building coverage and increasing the degree of non-conformity of the front yard setback (Snider Avenue), the rear yard setback and one side yard setback to construct a covered front porch addition (6’ x 20’) with a front deck (11’11” x 19’ 8.5” on the residence.

Mr. McKelvey: The Board is resuming its meeting. Betty.

Ms. Gennarelli: Okay, on the first applicant Ursula Petricek, 13 Snider Avenue. This is a Type II Under SEQR. Do we have discussion on this application?

No response.

Mr. McKelvey: Any discussion?

Mr. Maher: I think a condition of the approval is going to be is for the lot consolidation. Correct Jerry?

Mr. Canfield: I think it’s a must.

Mr. McKelvey: Do you want to make that a motion Mike?

Mr. Maher: I’ll make it a motion based on that condition.

Mr. Levin: I’ll second it.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:41 PM)

ZBA MEETING – JUNE 25, 2015 (Time Noted – 7:45 PM)

BRENNAN BARNES 28 VICTORIA DRIVE, NBGH

 (108-3-2) R-1 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 a rear deck (12’ x 12’) on the residence.

Ms. Gennarelli: Our next applicant Brennan Barnes. And this applicant sent out sixty letters. All the mailings, publications and postings are in order.

Mr. Barnes: Good evening. I’m Brennan Barnes requesting a variance for the property I own at 28 Victory Drive. I am looking to construct a twelve by twelve deck on the rear of the home. The…in 2008 there was a zoning change which…the other I guess would be the north west part of Monarch where the house is located a…the house is now non-conforming so I need the variance as to construct the deck. It’s plain and simple but a…technically the deck is conforming to the setbacks which is thirty, eighty total and the house does not so that’s where I’m at.

Mr. McKelvey: And this is another change from R-3 to R-1?

Mr. Canfield: Yes, that’s correct, in 2008.

Mr. Manley: Yea, driving around the neighborhood a…there are other residences that have similar decks on the rear of the residences so the applicant’s proposed deck would certainly be consistent with the neighborhood.

Mr. McKelvey: Any other comments from the Board?

Mr. Barnes: Technically the house to the left is that house was approved for a variance to literally construct the same size deck, same location as to what I’m looking to do.

Mr. McKelvey: Any comments from the public?

No response.

Mr. McKelvey: Do I have a motion to close the Hearing?

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

Mr. Manley: Second.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Mr. Barnes: Thank you.

Ms. Gennarelli: They just closed the hearing, they still have to vote.

 (Time Noted - 7:47 PM)

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ZBA MEETING – JUNE 25, 2015 (Resumption for decision: 8:41 PM)

BRENNAN BARNES 28 VICTORIA DRIVE, NBGH

 (108-3-2) R-1 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 a rear deck (12’ x 12’) on the residence.

Ms. Gennarelli: On the application of Brennan Barnes, 28 Victoria Drive. This is a Type II Action under SEQR. Do we have discussion on this application?

Mr. Manley: The deck is pretty consistent with the others in the neighborhood. They’re not looking for a very large variance whatsoever. I would make a motion for approval.

Mr. Levin: I'll second that.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:42 PM)

ZBA MEETING – JUNE 25, 2015 (Time Noted – 7:47 PM)

CRH REALTY III, LLC. 1200 ROUTE 300, NBGH

 (97-3-6.22) I/B ZONE

Applicant is seeking area variances for signage; maximum allowed amount of signage, maximum allowed one free standing sign per lot to erect a freestanding sign and also for directional signs shall not be greater than three square feet to install a nine square foot directional sign on the lot.

Ms. Gennarelli: Our next applicant CRH Realty III, LLC. And this applicant sent out fifteen letters. All the mailings, publications and postings are in order.

Mr. Gaba: Good evening, I’m Steven Gaba here to represent the applicant CRH and what we’re here for tonight is two signage variances. The property is located at the intersection of Route 300 and Old Little Britain a…here is old little Britain, this is Route 300. It’s right across from Walmart I’m sure you’ve seen it going up. It's going to be the Crystal Run Healthcare facility. It's about a 66,000 Sq. Ft. medical office building. It's going to a…have 22 different medical specialties in it. It's going to have an urgent care facility it's going to have diagnostic imaging including cat scans, x-rays, ultrasound, mammography a…echiocardiography (echocardiography). There'll be a clinical laboratory and even an endoscopic suite. It's probably going to create about 200 jobs for the area. We received a…well, we…we reconfigured some lots in order to get the property together and we received site plan approval from the planning board and now as construction goes forward, it's been determined that there are two other side that need to go in and for each sign we need a variance. The first variance is back here in the back of the property behind the building a…this is going to be a directional sign a…it’s going to say Main Entrance, Urgent Care Entrance. With me tonight is Dawn Kalisky from Lanc &Tully she’ll tell you a little bit more about the signs themselves in just a minute. Anyway the reason that a variance is needed for the sign is because directional signs are limited to three sq.ft. in size, whereas for this particular a…sign we would like to have nine sq.ft. for the directional sign there at the back of the property. The other variance we need is for assigned to be placed here at the entrance of Old Little Britain Road and this is going to be a monument type sign which would be an identification of the use on the property as well as to demark the entrance over there. The reason that we need that sign is twofold. First off under the Code only one freestanding sign is allowed and there is a freestanding sign already here at the main entrance off of Route 300. So we need a variance to place the second freestanding sign over by this other entrance. And the other reason that we need the variance is because a…total square footage of signage under the Town Code is determined by a…linear road frontage, divided by two. And when he had the business signage on the property together, we come about 26 square feet, give or take a…over the total amount allowed under the Code. So in order to put the a…the sign there we're going to need a variance in regard to that. So tell you a little bit about the signs like I said I have Dawn Kalisky with me and I'll a…turn it over to her.

Ms. Kalisky: Good evening, as Steve said Dawn Kalisky and I will give you a card for the spelling…

Ms. Gennarelli: Thank you.

Ms. Kalisky: … I'm hoping everybody has gone by and seen the new Crystal Run going up. We’ve done…they've done…done a lot of great things there. As Steve was saying the construction as we all know it's…it's in the process and note…they’re almost finish. We are we are doing a getting ready to do some final inspections. So for the total acre of the square foot area permitted signage a…we already have a building permit…or a sign permit for sign on the side of the building as well is the covered main entrance and this monument sign here that was on the approved site plan. What we have done to prepare this plan was to take our approved landscaping signage plan, add the additional signs that are requesting and a…added the table here for what we are…what we are proposing and what we are permitted. As Steve said, the nine square foot proposed directional sign that was indicated on the original site plan approval however, we didn’t know we were going to exceed the size a…it’s a single sided sign. The signs are on concrete…not concrete but block pillars, wooden…or sign in the middle with a…vinyl…vinyl lettering a…if you need me to get into colors I can certainly do that as well. The directional sign, the configuration itself is a smaller of what the monument signs will look like and as I said the monument off of 300 has already been permitted. The proposed sign over on (Old) Little Britain Road entrance, the second freestanding sign because the site does actually have two driveway entrances people coming from Old Little Britain Road typically would not come up to the light, go down 300 and then go into the main entrance. So it will be a double sided sign, sixty-five square feet in area. Can I answer any questions?

Mr. Gaba: Inaudible.

Ms. Kalisky: I’ll hold it up for everybody to see at the moment a…but we’ll certainly provide a copy. As I said the a…the block is matching of course the building which is block…some block construction a…grey background, black lettering for Crystal Run a…blue for the…blue and white for their logo and Healthcare of course in white, also the 1200 for the street address it is 1200 Route 300.

Mr. McKelvey: Maybe you could let them pass it down?

Ms. Kalisky: Sure, I can (inaudible) And as I said the monument sign, freestanding sign here is double sided so that is a right and left view. The directional sign is only single-sided. This is the main entrance from or to the Crystal Run facility. So when you come down here it’s going to point that the main entrance is where the canopy is. The Urgent Care Entrance would be forward a…the parking here in this area is designated for employee parking. It’s not signed as employee parking but the employees do know that that’s where they’re to be parking leaving the front area for patients, visitors.

Mr. McKelvey: There’s two more buildings going on that corner too, right?

Ms. Kalisky: On this here?

Mr. McKelvey: On Old Little Britain Road on that side road.

Ms. Kalisky: This building right here yes, that’s the Britain Plaza separate from the Crystal Run.

Mr. McKelvey: Yeah.

Ms. Kalisky: Yes, that’s under construction as well and that’s a mixed…mixed use a…commercial. So it would be a bank, a Dunkin Donuts and two other retail either or perhaps sandwich shops but that hasn’t been determined yet.

Mr. Donovan: So the gentleman in the picture by the signs, he’s lost his way and the signs are going to direct him where he needs to go?

Ms. Kalisky: Oh that, yes.

Mr. Donovan: I’ve never seen an ad for a sign like that.

Ms. Kalisky: If you…if you look at him he looks quite distressed…

Mr. Donovan: Yes, he does.

Ms. Kalisky: …he is looking for those signs a…I actually got a kick out of that myself when they sent that to me.

Mr. McKelvey: Do you want those signs (pictures) for the record, Betty?

Ms. Gennarelli: Can we have them?

Ms. Kalisky: Oh, absolutely.

Ms. Gennarelli: Thank you.

Ms. Kalisky: Absolutely.

Mr. Levin: May I ask you, how did you arrive at the size of the signs? They’re so far over in the zoning at 200%.

Ms. Gennarelli: Richard…

Mr. Levin: I’m sorry.

Ms. Gennarelli: Could you just repeat that then? Please I didn’t…

Mr. Levin: I asked how they arrived at the size of the sign being that it’s nine square feet and it’s 200% over…the variance.

Ms. Kalisky: The scale of what is at the site a…as Steve said we have a sixty-six thousand square foot building, to have a sign with the big building, all the big landscaping, the big…larger monument signs it just seem to flow with…with the size of everything else…conform with that. It…it does make it easier I realistically I do believe if you are driving into Crystal Run and you see this big canopy and you will see it because you’re coming down into the site…you’ll know that this is in fact the main entrance. But Mr. Lunt felt it would be appropriate to make sure people were directed to, by an arrow, to the main entrance and where the Urgent Care Center would be. How they came up with the math that I’m not sure.

Mr. Gaba: My understanding on that you have to understand nine square feet is three by three you know in terms of that it’s a big placard as far as that goes but when the Code was written the idea for directional signs…directional signs covers all sorts of on-site signage. It isn’t just one-way or no parking or what you will, it applies to any interior signs that you’re putting up for directions or instructions on the property so when he Code was written it didn’t really contemplate you know, a big type of sign, it contemplated more singular use sign. Now here what you’ve got is people coming, very possibly in a hurry for the Urgent Care or something along those lines or perhaps a doctor’s appointment when you’re driving on down and they need to know where to go. You don’t want them looking around trying to figure out the signs. What…what does it say on that sign, you want large lettering that’s very clear so people who (A) have to be looking out for other vehicles in the parking and (B) maybe if not distracted at least in a hurry can readily process what’s on it…in order to assure that you have to have a certain size lettering. In order to have a certain size lettering big enough to be seen from a reasonable distance in a moving car you need a three by three sign. So that was the reasoning behind it largely, also as she said keeping the scale but this isn’t being done just for aesthetics there’s practical reasons for this as well. So they decided that they would put the size which they thought would get the job done back here to show people where to come.

Mr. Levin: What is the difference between urgent care and emergency care?

Mr. Gaba: Urgent care is for less serious a…situations. If you had a…pneumonia, if you had strep a…if you had a broken finger, something along those lines…

Mr. Levin: Okay.

Mr. Gaba: …you go to urgent care. If you had God forbid a bullet wound or like a terrible injury then you’re going to want to go to St. Luke’s or something like that and…and…you know, would get more serious medical care. So unless there are more questions on that I’ll just finish up here.

Mr. Manley: Just the one thing I was going to add that I think, just to piggyback on your question, I don’t want to speak for the other Board Member but perhaps maybe what he was looking for is there some sort of standard when it comes to sign size for example that makes you determine this is going to be three by three but in this case we need sixteen square feet or…eighteen square feet? Is there some sort of standard that you get your…your sizes from that direct to what is an adequate or proper sizing based on what you’re looking to achieve.

Ms. Kalisky: I actually do have a rough print. This is not a final elevation of course but that does give the dimensions of the lettering. A…the Urgent Care two words and Main Entrance, just the length of the words themselves a…you know the number of letters but the letters are three point a…three and a half inches high. In between those we have the arrow. I don’t know…I don’t have the length on the…on the spur to it but the…the arrowhead itself is eight and a half inches in height. So to balance that out and…and with the shaped configuration of the sign that is how Main Entrance and Urgent Care actually fit.

Mr. Manley: So the size of your letters or the need for the size of the letters dictates the total signage size that you are going to need?

Ms. Kalisky: Right, right and as I said they’re not huge letters. They’re…they’re three and a half inches.

Mr. Gaba: (Inaudible)

Mr. Maher: A question for you…if Main Entrance is on one side and Urgent Care is on the other…

Ms. Kalisky: Yes.

Mr. Maher: …why does it have one arrow?

Ms. Kalisky: I was going to ask the sign people that myself. That I do not know a…

Mr. Maher: Just curious.

Mr. Canfield: To cut down the square footage necessary.

Ms. Kalisky: Yeah, then we would need like a twelve square foot and the variance…

Mr. Maher: And obviously there’s…there’s probably an arrow missing there. I can’t see it enlarging the sign that much.

Mr. Gaba: (Inaudible)

Ms. Gennarelli: I’m sorry you’re not going to get on the…into the record unless you…thank you.

Mr. Gaba: I think that’s a mockup of it. I don’t think that’s the final a…the final design. I mean that one arrow I…I…unless they want to avoid people going around the side of the building and they want to direct them that way, I don’t…

Mr. Maher: Well based on the placement I imagine an arrow straight up would be indicating the Urgent Care to the left obviously…I’m just curious.

Mr. Gaba: But then Main Entrance wouldn’t be appropriate so…

Mr. McKelvey: Any other question?

No response.

Mr. McKelvey: Any questions from the public? Any comments?

Mr. Maher: Actually, I’m sorry, one question. The entrance to the…the retail store is that off of your…

Ms. Kalisky: Yes.

Mr. Maher: …property?

Ms. Kalisky: Yes, there is an easement. Access and utility easement.

Mr. Maher: Okay.

Mr. Gaba: To finish up quickly, the five factors I’m sure the Board is familiar with for an area variance. The first is whether the variance would produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. It’s I’m sure your all familiar, it’s a highly commercial corridor have Walmart across the street from 300. You have Home Depot, Kohl’s, etc. across the street from Old Little Britain. The signs will have absolutely no detrimental impact on the neighborhood. In regard to the a…directional sign in the back, if you’ve been by the site perhaps you noticed this is all heavily wooded and in fact on our site plan it shows there is a clearing limit so this is going to remain heavily wooded. So really unless you are on the site you’re not going to be seeing this directional sign back here. It’s going to have no impact on the neighborhood. Whether the benefit can be achieved by some method feasible for the applicant other than a variance obviously we’re limited to one a…freestanding sign. We’re not going to be able to have another freestanding sign at our other entrance without having a variance. Of course there are good reasons for wanting that she wanted to try as much as possible to funnel traffic through this off Old Little Britain, 300 is busy enough as it is so any traffic that you can draw away from this entrance even though it’s a heavily signalized intersection would certainly be a plus. So that’s the reasons for that. The sign in the rear as we’ve explained you need to have larger lettering in order to have the directional be effective and safe so…that’s the reasons for that. How substantial the variance is, it’s true in regard to both of them. Overall signage wasn’t terribly significant at all. We’re only like twenty-six feet over the total amount allowed and we’re allowed you know, three-hundred some odd feet possibly more as far as total signage so that’s not significant either substantially or numerically. If you look at the directional sign just as a percentage yes, two hundred percent seems like a lot. If you look at in terms of feet you’re talking six square feet that’s not very large at all. If you look at it in the sense of is this going to be something substantially in violation of zoning, something that’s going to make a substantial change in the site, it’s going to make no change in the site at all. You’re going to have a slightly bigger directional sign back here that nobody can see really except for people on the site or if you’re standing on 300 craning your neck and if you’re looking down. So I don’t think substantially…I don’t think the substantially…

Mr. Donovan: With regard to that factor, if I could just interrupt and interject for a second, the Board is not simply constrained to look at a mathematical computation a…there’s a number of court cases that indicate that you have to evaluate overall factor impact of the substantiality of the variance. And I assume that what you’re telling the Board is…is you’re not going to see it from or…from Route 300?

Mr. Gaba: It would be very difficult. You’d have to crane your neck as you drove by here in the southern (Inaudible) on 300 to see it. But other than that it’s all downhill it’s like…I’m sure you when…when you get into there.

Mr. McKelvey: Old Little Britain Road is pretty well traveled too, a lot of cars on there so it’d be easier if they could see it.

Ms. Kalisky: But from Old Little Britain Road you won’t be able to see it. Okay, the sign placement is here.

Mr. McKelvey: No, I’m saying that the free-standing sign…

Ms. Kalisky: Oh yes and that’s…we do want them to see it on…on Old Little Britain Road a…the directional sign is the one that’s going to be hidden.

Mr. Donovan: But my comment was just relevant to the three square feet to nine square feet, that…that’s all that I…sorry to interject but I’m getting older and if I didn’t say it I perhaps would forget it so...

Mr. Gaba: I couldn’t have made the point better myself that was exactly what I was trying to get at. A…whether the variance will have adverse physical or environmental a…impacts, there will be zero environmental impacts and physical impacts. If any it would be nominal. Lastly whether it’s self-created, I’m…I’m sure you’ve all been Board Members long enough to know all these variance applications are self…area variances anyway are self-created to one extent or another unless it’s property taken by eminent domain or what have you. But that alone is not a reason for denying a request for relief so we’re here to ask the Board to allow us to put these two signs up.

Ms. Gennarelli: Okay John I have the report from the County. Can I read that into the record?

Mr. McKelvey: Yes, you may.

Ms. Gennarelli: Okay.

The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues with balancing the needs of the appellant with potential impacts on the surrounding area it does not appear that inter-municipal or countywide impacts would result if the Board finds that granting relief is warranted in this matter. We note that the issue has previously arisen in the Town of Newburgh for businesses located on corner lots. If the Town wishes to revise their zoning Code to address this issue the Planning Department would be happy to provide assistance.

And the County Recommendation is Local Determination. And I also have a letter that we received from the City and it says

Dear Grace and Board Members, The City of Newburgh Department of Planning and Development has no objections to the applications of CRH Realty for area variances for signage located at 1200 Route 300 as noticed, assuming that the proposed sign does not significantly increase land disturbance or require New York State DEC storm water, pollution, prevention plan. And that’s signed by Deirdre Glenn, Director of Planning and Development for the City of Newburgh.

Mr. Gaba: Betty, did you get the New Windsor letter?

Ms. Gennarelli: I’m sorry.

Mr. Gaba: Did you get the New Windsor letter?

Ms. Gennarelli: No.

Mr. Gaba: I have, would you like a copy of that?

Mr. Gaba approached

Ms. Gennarelli: Thank you. Okay and this is from the Town of New Windsor.

Dear Grace Cardone, I’m writing this letter at the direction of the Town of New Windsor Planning Board in connection with the subject matter which your Board referred to the Town in accordance with GML-239nn. Thank you for the opportunity to review and comment on this matter. The Planning Board considered the information at its regular board meeting on June 24th. The Planning Board believed there were no areas of concern with regard to the applicant’s request and believe that the improved signage and directional information would be a benefit to the critical services provided at the healthcare facility. Again, thank you for the courtesies in this matter. And it’s signed by the Town of New Windsor Planning Board, Mark J. Edsall

Mr. McKelvey: Do you have any other comments?

No response.

Mr. McKelvey: Do we have a motion to close the Hearing?

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

Mr. Masten: I’ll second it.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

 (Time Noted - 8:11PM)

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ZBA MEETING – JUNE 25, 2015 (Resumption for decision: 8:42 PM)

CRH REALTY III, LLC. 1200 ROUTE 300, NBGH

 (97-3-6.22) I/B ZONE

Applicant is seeking area variances for signage; maximum allowed amount of signage, maximum allowed one free standing sign per lot to erect a freestanding sign and also for directional signs shall not be greater than three square feet to install a nine square foot directional sign on the lot.

Ms. Gennarelli: And on the application of CRH Realty III, LLC. Do we have a motion for a Negative Declaration?

Mr. Manley: I’ll make a motion for a Negative Declaration.

Mr. McKelvey: We need a second.

Mr. Maher: Second.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Do we have discussion on this application?

Mr. McKelvey: I think all the signage is necessary.

Mr. Maher: Are we voting on both or…?

Ms. Gennarelli: Together or whatever you want to do.

Mr. Donovan: It depends if a…you can do either.

Mr. Maher: I’ll make a motion we…we approve both “A” and…application “A” and “B”.

Mr. Manley: Second.

Ms. Gennarelli: Okay. Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:44 PM)

ZBA MEETING – JUNE 25, 2015 (Time Noted – 8:11 PM)

DANIEL WAGNER 261 CARTER AVENUE, NBGH

 (26-5-1.1) R-3 ZONE

Applicant is seeking an area variance for no pools shall be located in a front yard to keep a prior built above ground pool (16’x x 30’) with a wraparound deck (has two front yards Carter Avenue and Kohl Avenue).

Ms. Gennarelli: Okay the next applicant is Daniel Wagner. And this applicant sent out forty-nine letters. All the mailings, publications and postings are in order.

Mr. Wagner: Good evening, Daniel Wagner 261 Carter Avenue, I request an area variance for a pool and a deck that are existing and they are one…we are on a corner lot which when I moved there I didn’t realize that Kohl Road (Avenue) was a road which gave me a corner lot. Our address is 261 Carter Avenue. The pool is ten feet onto the Kohl Road (Avenue) side that makes it on Kohl Road (Avenue) front yard. It’s been there…the pool has been there probably thirty-five years and the deck. Haven’t had any complaints about it that I know of and I respectfully request the a…variance.

Mr. McKelvey: What brought it to us if you had it for that many years?

Mr. Wagner: I had to get a…my daughter went to get a mortgage on the property and when we researched we found that there was a problem. It was never a…a Permit for the deck and the pool and then the…also this corner lot issue. We have now a…applied for a Permit from the Building Department.

Mr. McKelvey: Okay. Any questions?

Mr. Levin: Just one, you said Kohl Road (Avenue) in your write up was a dirt road when you moved in.

Mr. Wagner: Yes.

Mr. Levin: When did it become a paved road?

Mr. Wagner: I paved that section of it myself.

Mr. Levin: Oh, you did it. Okay.

Mr. Wagner: Yes and the rest of it in the back is not. It’s still dirt; some concrete mostly a muddy driveway for the people in the back.

Mr. McKelvey: Is it a Town Road?

Mr. Wagner: No.

Mr. McKelvey: Any comments from the public?

No response.

Mr. McKelvey: Do we have a motion?

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

Mr. Levin: Second it.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

 (Time Noted - 8:14 PM)

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ZBA MEETING – JUNE 25, 2015 (Resumption for decision: 8:44 PM)

DANIEL WAGNER 261 CARTER AVENUE, NBGH

 (26-5-1.1) R-3 ZONE

Applicant is seeking an area variance for no pools shall be located in a front yard to keep a prior built above ground pool (16’x x 30’) with a wraparound deck (has two front yards Carter Avenue and Kohl Avenue).

Mr. Gennarelli: On the application of Daniel Wagner, this is a Type II Action…I’m sorry, 261 Carter Avenue do we have...I’m sorry…this is a Type II Action under SEQR. Do we have discussion on this application?

Mr. McKelvey: Well he’s bringing everything into compliance which everything was stuff done without a Permit. Do we have a motion to approve or…?

Mr. Levin: A motion to approve.

Mr. Maher: Second.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Mr. McKelvey: The motion is carried.

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:45 PM)

ZBA MEETING – JUNE 25, 2015 (Time Noted – 8:14 PM)

ANDREW DEPUY 115 EDJEWOOD DRIVE SOUTH, NBGH

 (41-5-1) R-1 ZONE

Applicant is seeking area variances for no pool shall be located in a front yard to build an in-ground pool (12 x 20) in a front yard (corner lot); area variance for the front yard setback to keep a prior built front deck (8 x 6) and an area variance for the rear yard setback to keep a prior built rear deck (10 x 8’3”) on the residence.

Ms. Gennarelli: Our next applicant is Andrew Depew and this applicant sent out forty-five letters. All the mailings, publications and postings are in order.

Mr. Brown: Thank you. My name is Charles Brown I’m the engineer for the applicant. This is also a corner lot a…a…with a proposed pool a…we have two front yards. The pool is not proposed to be in the required front yard however it is between a…proposed to be between the existing dwelling and the street on the a…Hy Vue Drive side. This lot is on the corner of Hy Vue Drive and…and Edjewood spelled with a ‘J’ Drive South. We couldn’t put the pool in any other location because we a…a…it’s going to be in-ground and it has to be at least fifty feet from the septic and the septic system is in rear yard over here a…so that’s pretty much the only place they could put the pool. We’re also here for variances for the front a…platform and the rear platform. Neither one have roofs, they’re both very close to ground. The front one is only eighteen inches off the ground. The rear one is about fourteen inches off the ground. A…per your zoning if they were less than twelve they wouldn’t even have to be here for variances because they wouldn’t count towards the a…the building envelope. They were built by the applicant. They’re…they’re existing now to replace existing concrete platforms at the two doors the rear a…the rear and the front now because the existing concrete platforms were falling apart. And a…he replaced them with wood and they built a little bit larger. As far as the impact to the neighborhood or the environment there wouldn’t be any because a…there’s a fenced…all the way the whole entire area is fenced off but again both platforms are relatively close to the ground and a…as you can see from the photos supplied you can barely even see them. So we’re here to request variance for those three items.

Mr. McKelvey: Any questions from the Board?

No response.

Mr. McKelvey: Any comments from the public?

No response.

Mr. Brown: I’d also like to add that you know these platforms are at exterior doors where platforms would be required by Code a…the existing residence a…was built prior to the current zoning a…it actually does at the present…the building itself does meet the setbacks but just barely so any platform or any deck that you put to provide access to those doors it is going to be here before this Board for a variance. And another thing is because it is a corner lot we had the option which is the side yard and which is the rear yard. If we picked the a…yard opposite Edjewood Drive as our side yard that would only be fifteen foot setback and we wouldn’t be here for a variance for the rear deck however we’d be here for a variance for the existing residence because that would violate the a…rear yard by a good you know twenty-two to twenty-two point one feet so you know again that’s…I just like to add that, thanks.

Mr. Manley: I’ll make a motion that we close the Public Hearing.

Mr. Masten: Second.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Mr. Brown: Thank you.

 (Time Noted - 8:19 PM)

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ZBA MEETING – JUNE 25, 2015 (Resumption for decision: 8:44 PM)

ANDREW DEPUY 115 EDJEWOOD DRIVE SOUTH, NBGH

 (41-5-1) R-1 ZONE

Applicant is seeking area variances for no pool shall be located in a front yard to build an in-ground pool (12 x 20) in a front yard (corner lot); area variance for the front yard setback to keep a prior built front deck (8 x 6) and an area variance for the rear yard setback to keep a prior built rear deck (10 x 8’3”) on the residence.

Ms. Gennarelli: On the application of Andrew Depuy, 115 Edjewood Drive South. This is a Type II Action under SEQR. Do we have discussion on this application?

No response.

Mr. McKelvey: Do we have a motion?

Mr. Levin: Motion we approve.

Mr. Masten: I'll second.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:45 PM)

ZBA MEETING – JUNE 25, 2015 (Time Noted – 8:19 PM)

BRYAN BARGER 18 INNIS AVENUE, NBGH

 (65-6-2) R-3 ZONE

Applicant is seeking area variances for increasing the degree of non-conformity of one side yard setback and the combined side yards setback to raise the second floor roof to build a deck (32 x 10) on the rear of the dwelling which is a front yard based on the unknown paper road.

Ms. Gennarelli: Our next applicant Bryan Barger and this applicant sent out fifty-five letters. All the mailings, publications and postings are in order.

Mr. Barger: Hi, I’m Bryan Barger and I’m here with the contractor Charlie Thompson.

Mr. Thompson: Charles Thompson I’ve been proxy’d by Brian Barger to answer any questions.

Mr. McKelvey: Say what you want.

Mr. Thompson: We are trying to get approved to add a second floor…to add a story on the second floor of the house, we’re going to add seven feet in height on the back of the house and we’re going to put a 32 x 10 deck on the back and now we are increasing the degree of non-conformity.

Mr. McKelvey: Do we have any questions from the Board?

Mr. Thompson: Along with the addition to raising the second level we are doing all new siding, new windows on the house. There will also be a new front porch going on the front. Right now it is an eyesore a...also on the side yard there is an existing four foot wide concrete porch if you want to call it wrapped around the front right side of the house that has come out adding four feet on the sides…the right side of the house.

Mr. Barger: Also to mention too the new front porch would have a smaller footprint than the existing concrete poured porch.

Mr. Manley: The rear deck on the back, one-story or two-story?

Mr. Thompson: Four to four and a half feet off the ground. Also the house next to 18 Innis has a similar but larger addition so the addition we’re going to do kind of match, if you want to call it, the (inaudible) house. We’ve also been approved to switch from septic to Town sewer a…so we will not have an issue with the back deck near the septic tank.

Mr. Maher: So the house needs a little TLC it looks like?

Mr. Barger: A lot of TLC.

Mr. McKelvey: Any other questions?

No Response.

Mr. McKelvey: Do I have a motion?

Mr. Masten: I’ll make a motion?

Ms. Gennarelli: To? The motion to…the motion?

Mr. Masten: Close the Hearing.

Ms. Gennarelli: To approve or disapprove?

Mr. Donovan: Close the hearing first.

Ms. Gennarelli: Oh, that will close the Hearing, I’m sorry, yeah, I’m sorry to close the Hearing.

Mr. Donovan: You’re in a hurry.

Ms. Gennarelli: Yes, I know. Do we have a second?

Mr. Maher: Second.

Ms. Gennarelli: I’m rushing it tonight. Okay.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Ms. Gennarelli: They closed the Hearing, they didn’t vote yet.

Mr. Thompson: Thank you for your time.

 (Time Noted - 8:23 PM)

ZBA MEETING – JUNE 25, 2015 (Resumption for decision: 8:46 PM)

BRYAN BARGER 18 INNIS AVENUE, NBGH

 (65-6-2) R-3 ZONE

Applicant is seeking area variances for increasing the degree of non-conformity of one side yard setback and the combined side yards setback to raise the second floor roof to build a deck (32 x 10) on the rear of the dwelling which is a front yard based on the unknown paper road.

Ms. Gennarelli: On the application of Bryan Barger, 18 Innis Avenue. This is a Type II Action under SEQR. Do we have discussion on this application?

Mr. Maher: I think it will be a nice improvement to the neighborhood.

Mr. McKelvey: Oh, that’s definite.

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

Mr. Levin: I'll second it.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Mr. McKelvey: The motion is carried.

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:47 PM)

ZBA MEETING – JUNE 25, 2015 (Time Noted – 8:23 PM)

LEONARDO VILLACHICA 14 KNIGHTS CIRCLE, NBGH

 (108-4-13) R-1 ZONE

Applicant is seeking area variances for the minimum rear yard setback and the maximum lot surface coverage to keep a prior built pool and pool deck.

Mr. Gennarelli: Held open from the May 28th meeting, Leonardo Villachica, 14 Knights Circle.

No response.

Ms. Gennarelli: I don’t see them in the audience. Edith Rojas was here last month representing Leonardo Villachica and I…I think she was asked to get a survey.

Mr. Donovan: Correct.

Mr. McKelvey: Yes.

Ms. Gennarelli: And I have…I have not heard anything at the office from them.

Mr. Donovan: What I would suggest is this then, since they’re not here tonight, is what we have done in the past when this has happened is you give them one more bite at the apple, vote to adjourn it till the July meeting and if they don’t appear then that you’d consider the application withdrawn.

Mr. McKelvey: Then do we have a motion?

Mr. Donovan: I’m sorry, I’m sorry to interrupt you.

Mr. McKelvey: Go ahead.

Mr. Donovan: Then you authorize me to correspond with the applicant and advise them of that.

Mr. McKelvey: Do we have a motion to that effect?

Mr. Levin: I make a motion we hold till to the July meeting.

Mr. McKelvey: And have correspondence from the attorney.

Mr. Levin: Yes.

Mr. McKelvey: Second?

Mr. Masten: I’ll second it.

Ms. Gennarelli: Roll call.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Mr. McKelvey: In order to save time while we discuss any legal matters with our attorney I would ask you to go out in the hall and we’ll call you back.

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted - 8:25 PM)

ZBA MEETING – JUNE 25, 2015 (TIME NOTED 8:47 PM)

**OTHER BOARD BUSINESS**

RAYMOND QUINONES 40 DEVITO DRIVE, NBGH

 (23-2-32.2) R-3 ZONE

Ms. Gennarelli: Under Other Board Business, we got a letter from Raymond Quinones, 40 DeVito Drive.

Dear Grace Cardone and Members of the Board, This letter is to request an extension for a project request extension provided that was approved by the word on October 23 and filed on November 13, 2014. Due to the timing of the approval combined with hard winter also health and family issues encountered…I encountered all plans to build were halted. Once I was able to recover from the weather and other health issues I submitted new plans as requested on 6-8-15. I received a letter from the permit office on June 18, 2015 stating that the approval was valid for six months from the original date of November 13, 2014 and as of May 13, 2000 as of May…with…I'm sorry, and as of May 13, 2015 this decision has become null and void. I respectly requesting an extension for this project be issued to start the build. Thank you for your time, Raymond Quinones

Mr. Manley: It’s expired.

Mr. Donovan: Well, correct but the Code allows for one six month extension and the way I have…the way you have the ability to read it is you could grant that with what we attorneys call nunc pro tunc which is now for then. Which means you could make it retroactive so you give the one year from the date of the issuance of the variance but not beyond that. So it’s…the six months is retroactive as if they had made the request in a timely fashion. So you haven’t gone beyond what the Code allows you just use your discretion, if you wish, to say we’ll treat this as if it had been made in a timely fashion.

Ms. Gennarelli: So that means it would expire in November of 2015.

Mr. Manley: Right. Not six months from today?

Mr. Donovan: That’s correct not six months from today.

Ms. Gennarelli: November 13, 2015.

Mr. Donovan: So you still keep it within the window which is permitted by the Code.

Inaudible audience member.

Ms. Gennarelli: There’s…there is…John.

Mr. Donovan: It’s your discretion John.

Ms. Gennarelli: John?

Mr. McKelvey: Go ahead.

Ms. Gennarelli: Okay.

Mr. McKelvey: Go ahead.

Ms. Gennarelli: If you want to come up? I’m sorry.

Mr. Brown: I did the original application for this and we…we were granted with conditions and we did revise the plans to meet those conditions. A…Ray did have some health issues and as we got into the a…you know, the very harsh winter. The revised plans that he has in hand and he is ready for the Permit right now a…so he certainly you know, if the six month extension if granted by this Board to November 13th would be more than sufficient for him. And I speak on his behalf, thank you.

Ms. Gennarelli: Thank you.

Mr. Manley: And are you going to bill him for that too?

Mr. Brown: No. I’m here.

Mr. Manley: Oh, okay.

Ms. Gennarelli: Okay, do we have a motion?

Mr. McKelvey: Do we have a motion?

Mr. Manley: I’ll so move and the...

Mr. Masten: Second.

Mr. Manley: …that the outcome would not be any different.

Ms. Gennarelli: Okay.

 Richard Levin: Yes

 Michael Maher: Yes

 James Manley: Yes

 John Masten: Yes

John McKelvey: Yes

Mr. Brown: Thank you.

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:50 PM)

ZBA MEETING – JUNE 25, 2015

END OF MEETING (Time Noted – 8:50 PM)

Mr. McKelvey: You’ve all have the copies of the last meeting a…

Ms. Gennarelli: The minutes?

Mr. McKelvey: …the minutes of the last meeting.

Ms. Gennarelli: Any corrections, additions, deletions?

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

Mr. Masten: I'll make a motion to approve them.

Mr. Levin: I’ll second it.

Mr. McKelvey: All those in favor say Aye?

Aye - All (except Mr. Maher)

Mr. Maher: I abstain.

Ms. Gennarelli: Any other Board business?

No response.

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

Mr. Manley: So moved.

Ms. Gennarelli: Second?

Mr. Masten, Mr. Manley, Mr. Levin: Second.

Ms. Gennarelli: That was three seconds there. All in favor say Aye?

Aye All

Ms. Gennarelli: Any opposed? Anybody want to stay for the night now?

No response.

Ms. Gennarelli: The motion is carried.

Mr. McKelvey: The meeting is adjourned.

PRESENT ARE:

 RICHARD LEVIN

 MICHAEL MAHER

 JAMES MANLEY

 JOHN MASTEN

JOHN MC KELVEY

ABSENT:

 GRACE CARDONE

 DARRIN SCALZO

ALSO PRESENT:

 DAVID A. DONOVAN, ESQ.

 BETTY GENNARELLI, ZBA SECRETARY

 GERALD CANFIELD, CODE COMPLIANCE

 (Time Noted – 8:53 PM)