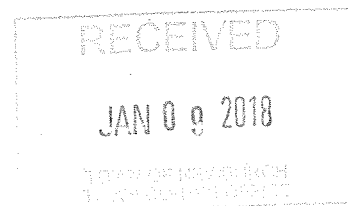


ZONING BOARD OF APPEALS

MEETING – THURSDAY, DECEMBER 28, 2017



JAN 09 2018

(Time Noted – 7:02 PM)

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

PRESENT ARE:

RICHARD LEVIN
MICHAEL MAHER
JAMES MANLEY
JOHN MASTEN
JOHN MC KELVEY
DARRIN SCALZO

ABSENT:

DARRELL BELL

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.
BETTY GENNARELLI, ZBA SECRETARY

Pledge of Allegiance to the Flag led by James E. Manley Jr.

(Time Noted – 7:04 PM)

JS 1/9/18

ZBA MEETING - DECEMBER 28, 2017

(Time Noted – 7:04 PM)

RECEIVED

JAN 09 2018

1-9-2018

JAN 09 2018

MILTON & MONTEZ BUXTON

8 DENE ROAD, NBGH
(93-1-28) R-1 ZONE

Applicant is seeking an area variance for the rear yard setback to replace and extend a rear deck built without a Permit (8'6" x 26').

Mr. Manley: The first application before the Board this evening is the application of Milton and Montez Buxton, 8 Dene Road, Newburgh seeking an area variance for the rear yard setback to replace and extend a rear deck built without a Permit (8'6" x 26'). Ms. Gennarelli are all the postings and mailings in order?

Ms. Gennarelli: The Public Hearing Notices for all the new applications being heard this evening were published in the Mid-Hudson Times on Wednesday, December 20th and The Orange County Post on Friday, December 22nd. This applicant sent out thirty-seven letters. All the mailings, publications and postings are in order.

Mr. Manley: Thank you.

Ms. Gennarelli: You're welcome.

Mr. Manley: Is the applicant here this evening? Good evening.

Mr. Buxton: Good evening.

Mr. Manley: If you'd like to step forward and state your name and address for the record, please?

Mr. Buxton: My name is Milt Buxton; address 8 Dene Road, Newburgh.

Mr. Manley: Okay do you want to just give the Board a quick rundown of what it is you're looking to do and the exact variance that you're going to need for your project?

Mr. Buxton: Yes, at the present time I'm trying to replace a deck that I have in the back of my house. I want to extend it length wise two feet a...the variance at the time when the home was built was twenty feet off of the property line and today it's...from what I understand it's been changed in the last couple of years, it's forty feet that I have to have in the back and I cannot have that because I have a neighbor behind me.

Mr. Manley: Okay.

Mr. McKelvey: It's been forty for a long time.

Mr. Buxton: But when I bought the home in a...

Mr. McKelvey: Yeah, I understand.

Mr. Buxton: Yes.

Mr. Donovan: 1966?

Mr. Buxton: Yes.

Mr. Donovan: Good for you.

Mr. Buxton: Thank you.

Mr. McKelvey: Those trees behind the house...behind...do those leaves stay on all year round?

Mr. Buxton: Pardon me?

Mr. McKelvey: The leaves blocking you from your neighbor's house...behind, do they stay on those trees all year?

Mr. Buxton: No, no.

Mr. McKelvey: Okay. I'm surprised to see them there this time of year.

Mr. Buxton: I think about now just about all of them are gone.

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

No response.

Mr. Manley: Pretty straight forward.

Mr. Levin: Yes.

Mr. Manley: Okay, at this point Mr. Buxton, I'm going open this up to anybody from the public that has any comments regarding this application before the Board this evening.

No response.

Mr. Manley: Hearing no comments from anybody here or questions I'll come back to the Board to see if they have anything further. If not, can we have a motion of some sort?

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

Mr. Masten: I'll second it.

Mr. Manley: Motion from Mr. McKelvey, second from Mr. Masten, roll call.

Ms. Gennarelli: Roll call.

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Yes

James Manley: Yes

Mr. Manley: The Public Hearing is now closed Mr. Buxton. The Board will take up the actual determination at the end of the meeting.

Mr. Buxton: Very well. Should I stay to the end of the meeting sir?

Mr. Manley: Pardon?

Mr. Buxton: Should I stay to the end of the meeting?

Mr. Manley: If you'd like to know the decision, yes.

Mr. Buxton: Okay.

Mr. Manley: If not, you could wait from tomorrow and hear from the...

Ms. Gennarelli: Give me a call.

Mr. Buxton: That would be fine Ms. Betty.

Ms. Gennarelli: Okay.

Mr. Buxton: Alright, thank you.

Ms. Gennarelli: Talk to you in the morning.

(Time Noted - 7:09 PM)

ZBA MEETING - DECEMBER 28, 2017 (Resumption for decision: 8:03 PM)

MILTON & MONTEZ BUXTON

8 DENE ROAD, NBGH
(93-1-28) R-1 ZONE

Applicant is seeking an area variance for the rear yard setback to replace and extend a rear deck built without a Permit (8'6" x 26').

Mr. Manley: The Board will now resume its regular session. The first application before the Board this evening to discuss is the application of Milton and Montez Buxton, 8 Dene Road, This is a Type II Action under SEQR. With area variance criteria the first being whether the benefit can be achieved by other means feasible to the applicant? What does the Board say?

Mr. McKelvey: I don't think he can.

Mr. Maher: No, it's a minimal request.

Mr. McKelvey: Yeah.

Mr. Levin: Yeah.

Mr. Manley: Does the Board feel that granting the variance will create an undesirable change in the neighborhood character or detriment to nearby properties?

Mr. Levin: No, I don't.

Mr. McKelvey: Not really, no.

Mr. Maher: No.

Mr. Manley: Whether the request is substantial in nature?

Mr. Maher: Inaudible. It's only two feet.

Mr. Levin: Yes, not substantial.

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

Mr. McKelvey: No.

Mr. Levin: No.

Mr. Maher: No.

Mr. Manley: And whether the alleged difficulty is self-created?

Mr. Maher: Well it's self-created but it's again it's a minimal request.

Mr. Manley: Based on the information presented to the Board this evening does the Board wish to make a motion?

Mr. Levin: I'll make a motion to approve.

Mr. McKelvey: I'll second.

Mr. Manley: A motion to approve from Mr. Levin and a second from Mr. McKelvey, do we have the Roll Call please?

Ms. Gennarelli: Roll call.

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Yes

James Manley: Yes

Mr. Manley: The motion is carried and the variance is granted.

PRESENT ARE:

RICHARD LEVIN
MICHAEL MAHER
JAMES MANLEY
JOHN MASTEN
JOHN MC KELVEY
DARRIN SCALZO

ABSENT:

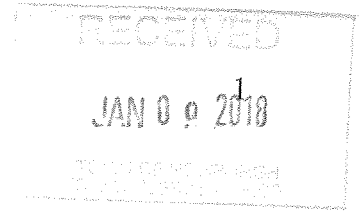
DARRELL BELL

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.
BETTY GENNARELLI, ZBA SECRETARY

(Time Noted – 8:06 PM)

185 1/9/18



ZBA MEETING – DECEMBER 28, 2017

(Time Noted – 7:09 PM)

LAKE CREEK PROPERTIES, LLC. - (McDONALD'S) 65 NORTH PLANK ROAD, NBGH
LINGO ASSOCIATES, LLC. (76-1-1.1) B ZONE

JAN 09 2018

Applicant is seeking area variances for the maximum allowed square footage of signage; a front yard setback (NYS Route 32); the minimum parking lot entrance separation from an intersection; minimum off-street loading spaces and allowing a drive-through isle to NYS Route 32 to demolish and rebuild a McDonald's Restaurant for a site plan approval application before the planning board.

Mr. Manley: The next application before the Board this evening is application of Lake Creek Properties, LLC. - Lingo Associates, LLC. (McDonald's), 65 North Plank Road, Newburgh seeking area variances for the maximum allowed square footage of signage; a front yard setback (NYS Route 32); the minimum parking lot entrance separation from an intersection; minimum off-street loading spaces and allowing a drive-through isle to NYS Route 32 and also to demolish and rebuild a McDonald's Restaurant for a site plan approval application before the planning board. Ms. Gennarelli are all the postings and mailings in order?

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

Mr. Manley: Thank you.

Ms. Gennarelli: You're welcome.

Mr. Manley: Good evening sir.

Mr. Chafizadeh: Good evening Mr. Chairman and Members of the Board. My name is Darius Chafizadeh, I'm an attorney with the law firm of Harris Beach. Here with me is the applicant's engineer, Bohler Engineering by Brad Bohler and Alex Lamay. We're here tonight to obtain five variances for the existing McDonald's on I believe it's 65 North Plank Road. That's an existing facility that's going to be rebuilt, taken down and rebuilt, revitalized for a twenty-first century McDonald's. We're requesting five variances as outlined by the Chair. I'm going to have Mr. Bohler walk you through each variance if that's okay? Indicating why, you know, how the layout is going to be and the variances that are requested and we'll try to answer any questions you have. I'm here for any legal issues too should you need it.

Mr. Manley: What I think might be helpful for the Board is if you highlight the changes if there are any from your last application before this Board that was approved and the present one that you're looking to ask for the Board currently.

Mr. Chafizadeh: Okay, we can do that.

Mr. Bohler: (Inaudible) I'm Brad Bohler from Bohler Engineering to start with the previous application we made before was I believe an interpretation for a knock down and rebuild. There

essentially is no change to the building location on that previous application with the exception of we slid the building back about five feet further from the 32 right of way a...North Plank Road. We adjusted the drive through slightly for the new standards for McDonalds. It's been a couple of years so they update their standards every once in a while. We used the most current footprint on the building so again very minor changes mostly inside of the building and we looked at the parking to the north side of the building and adjusted that slightly to add parking spaces that are parallel on the drive isle. Other than that it's essentially the same layout application you saw previously. There's not much in the way of changes in the layout.

Mr. Manley: Was there a particular reason why the last application was expired that they didn't move forward?

Mr. Bohler: Do you want to take that? You mean like why didn't we progress the timing of the previous approval...just market conditions I guess is the best way to state it. They want to do this rebuild repair and work it through some of those items. So I understand there are five variances for the application. With the exception of the sign variance all of them are current conditions on the site which we're either making better or maintaining so I'll start with the primary setback along 32. Currently the setback is thirty-six point one from the right-of-way to the current building. So I have a survey here it's not colorized, the building up front along 32 is thirty-six point one feet to the right-of-way. We're proposing to put our building, the physical building itself at sixty feet from the right-of-way to meet the state requirement for setback but the canopy, you know, it has in front of it extends little bit further than that so the physical setback of the structure is fifty-seven point one feet at that location. So it's an improvement from what's currently out there. It's going to meet the criteria. There's also a stipulation in the Code I believe that allows for averaging along either side of the roadway for the buildings along this area. We don't have anything to the south because that's a...it's a roadway. To the north is the a...I think it's still a Citgo Station at the location. That's about forty feet off the right of way so I guess we looked at technically with our current building at thirty-six feet and that Citgo at forty feet it would average out to about thirty-eight feet for the current setback. We noticed for the variance anyway because we felt that we wanted to cover that setback at sixty...the sixty foot variance...

Mr. Manley: So you're also losing the play area that's in the a...the present McDonalds. Is that correct?

Mr. Bohler: That's correct.

Mr. Manley: So you're completely removing that?

Mr. Bohler: Yeah, so that the current McDonalds I'm sure the Boards have all have driven by or been there. It's kind of been pieced together over time and expanded upon. It's not very efficient so we are losing that and basically going down to a current...current restaurant.

Mr. Levin: Are you losing any parking spaces?

Mr. Bohler: A...yes, we are losing a...technically seventeen parking spaces for the site a...the main driver behind that is because a...as McDonald's matures in the market they're becoming

more a drive-thru oriented hence the double drive-thru. We talked about that last time; it's a more efficient design for a drive-thru. It allows to process the cars more quickly so it's not a stacking issue you have on site and they're not seeing the need for as many parking spaces on the site a...currently. So the...the next variance I want to talk about would be the a...location of the a...drivers to the intersections that relates to the entrance driveway on North Plank Road which is less than a hundred and fifty feet to where Gidney Avenue intersects with North Plank Road but it more importantly it's a hundred and twenty feet from the Gardnertown North Plank Road intersection where the...where the exit is. So both those driveways are current conditions they're going to stay exactly as is where is titled the current curb cuts so there's no change to that...that situation. There's also a requirement that a fast-food restaurant does not discharge on to a State Highway which is Route 32. The current condition under the...under the a...layout you can only go onto Route 32 from the exit in the drive thru a...as the site lays out. Under our proposal we still allow that movement to go in place but we actually add a recirculation lane in...in here. A...there's two reasons behind that, one to allow people to go back to Gidney Avenue or Gardnertown Road if they want to use that to go up to 32 but it also allows for a...the Board may see that people come on the site from Gidney Avenue they actually do an illegal turn through the drive-thru to get in. This will allow people to do a proper circulation maneuver in this location. So that's again discharging on to 32 is still an existing condition we're just...we're reusing that...that position. The fourth a...variance we're asking for is loading zone requirement a...typically McDonalds when they load they do it at their off peak hours so after breakfast, before lunch let's say nine to eleven; for after lunch before dinner let's say one thirty or two to four. What they'll do is they'll typically stripe off a number of parking spaces in this case, they'll stripe off, I'm sorry, cone off three or four parking spaces along the northern side where the parallel spaces are. The truck will come in off the highway, will park there, they'll unload their...their a...delivery and will be on their way within twenty to thirty minutes a...tops during that time frame. So that's the current situation that's going on right now on the site where they stripe off or cone off parking spaces and they use that during those off peak hours when there's nobody parked in those locations. So we feel that's a...that's warranted here as well. And, then with regards to the last thing which is the sign variance is a...we are adding a...one additional sign in area that...that to the building that adds additional square footage to the building so it's an additional thirty square feet to the building. A...if you count all the signs on the building a...we are adding thirty square feet but the main driver on the increase in square footage for the signage is actually in the...in the drive-thru. If you look at the menu board that's forty-three additional square feet we have also the pre-sell menu board at the entrance to the...the drive-thru. It's another thirty-two square feet. So those are the big drivers behind the additional square footage in the signage. We don't intend to a...exchange or...or modify the free-standing sign and the drive-thru...I'm sorry, the directional signs on the site would be compliant, the two square feet requirement and that would a...essentially map what's currently out there from an area perspective. So that summarizes our...our a...variances we're requesting for...for the application.

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

Mr. Scalzo: Sir, your canopy in the front, does that actually have a...supporting foot in the ground? Or is it a cantilever?

Mr. Bohler: It's a cantilever. There's an architectural feature that would in some instances that would have like a bar that goes back to the building, there's no...nothing that goes to the ground.

Mr. Scalzo: Okay, because of that, and Code Compliance isn't here, a...I thought we at that point didn't recognized the canopy we would recognize the actual building face? So would that eliminate one of those variances?

Mr. Donovan: So my suggestion is since it's referred here and it's part of their application you consider it. I...I wouldn't necessarily think it would be appropriate to say it's not needed because without the benefit of Code Compliance being here we don't know that to be a fact.

Mr. Scalzo: Thank you Dave.

Mr. Manley: Your recommendation is consider it as needed...

Mr. Donovan: Correct, I mean, that's why it was referred here, that's what the application is, I think...I think we should consider it as needed.

Mr. Manley: Very good. Any other questions from the Board?

No response.

Mr. Manley: At this point I would like to open the Public Hearing to anyone in the public that's here regarding this application. Yes sir?

Mr. Fetter: Bill Fetter, Rockwood Drive, a couple of comments I don't think they're appropriate for this Board but I'll propose them anyway. Parallel parking on the incoming lane, I don't think fast food restaurants are really conducive to parallel parking but I...I assume that's a planning board issue a...

Mr. Manley: Correct.

Mr. Fetter: ...and the other is the Gardnertown Road exit-entrance whatever it might be called a...would be good to be eliminated because people frequently cut though there out of the parking lot from Rite-Aid and...and where else but again that's probably a planning board issue so they're my only two comments on this matter.

Mr. Manley: Thank you. I would certainly recommend a...do you generally attend the planning board meetings?

Mr. Fetter: Yeah, I'll get there.

Mr. Manley: I would definitely I would venture to say that they would probably...can't guarantee it but more than likely might have a Public Hearing on it.

Mr. Fetter: Right, okay.

Mr. Manley: So definitely make those comments as part of their record.

Mr. Fetter: Okay, thank you.

Mr. Manley: Do we have anyone else from the public that has any questions regarding the applicant and the variances that they're requesting?

No response.

Mr. Manley: I will add that we received surprisingly in record time, it's not normally the case, the a...County mandatory review and I'll read the referral from the County. The Town of Newburgh Zoning Board of Appeals regarding the applicant Lake Creek Properties LLC. - Lingo Associates area variances for the maximum allowed signage, minimum front yard setback, minimum separation between parking lot and intersection, minimum off street loading spaces and access for drive-thru isle directly to State Highway for demolition of existing and new construction fast food restaurant. 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 in balancing the needs of the appellant with the potential impact 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 and their county recommendation is Local Determination. At this point, if the Board feels that they have sufficient information regarding this application I would look for a motion to close the Public Hearing.

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

Mr. Manley: Motion from Mr. Levin to close.

Mr. Maher: Second.

Mr. Manley: Second from Mr. Maher. Roll call please.

Ms. Gennarelli:

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Yes

James Manley: Yes

Mr. Manley: The Public Hearing is now closed.

Mr. Chafizadeh: Thank you and Happy New Year to all.

Mr. Manley: Thank you.

Mr. McKelvey: Thank you.

(Time Noted - 7:22 PM)

ZBA MEETING – DECEMBER 28, 2017 (Resumption for decision: 8:06 PM)

LAKE CREEK PROPERTIES, LLC. - (McDONALD'S) 65 NORTH PLANK ROAD, NBGH
LINGO ASSOCIATES, LLC. (76-1-1.1) B ZONE

Applicant is seeking area variances for the maximum allowed square footage of signage; a front yard setback (NYS Route 32); the minimum parking lot entrance separation from an intersection; minimum off-street loading spaces and allowing a drive-through isle to NYS Route 32 to demolish and rebuild a McDonald's Restaurant for a site plan approval application before the planning board.

Mr. Manley: On the next application the Board is Hearing this evening Lake Creek Properties, LLC. - Lingo Associates, LLC. This is a Unlisted Action under SEQR. If the Board wishes to approve this you would first have to make a motion for a Negative Declaration before you could make a motion for approval. If the Board wishes to deny the variance the only thing you would have to do is make a motion to deny. Based on the criteria before the Board this evening does the Board feel that the benefit can be achieved by other means feasible to the applicant?

Mr. Masten: No.

Mr. McKelvey: I don't think so.

Mr. Levin: I don't believe so.

Mr. Manley: In many cases they're actually reducing their variances...

Mr. Maher: Yeah, they're reducing the overall square footage.

Mr. Manley: ...they became more compliant.

Mr. Manley: Will the granting of the variance create an undesirable change in the neighborhood character or detriment to nearby properties?

Mr. Scalzo: It's exactly what it is right now.

Mr. McKelvey: Right, it's the same thing.

Mr. Levin: It will improve it.

Mr. Manley: And whether the request is whether is substantial.

Mr. McKelvey: No.

Mr. Manley: I think we already established the fact that they are actually reducing their variances and the Board has granted a similar variance to them previously. Whether the request will have any adverse physical or environmental effects?

Mr. Maher: No.

Mr. Levin: I don't believe so.

Inaudible

Mr. Manley: And whether the alleged difficulty is self-created?

Mr. Maher: Once again it is but...

Mr. Scalzo: It is in the name of progress.

Mr. Maher: ...addressing their renovations accordingly.

Mr. Manley: Based on the information presented to the Board this evening does the Board wish to make a motion?

Mr. Scalzo: I'll make a motion for a Negative Declaration.

Mr. Manley: We have a motion for a Negative Declaration from Mr. Scalzo, do we have a...?

Mr. McKelvey: I'll second.

Mr. Manley: We have a second from Mr. McKelvey. Could we have the Roll Call please?

Ms. Gennarelli: Roll call.

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Yes

James Manley: Yes

Mr. Manley: Negative Declaration has passed. Do we have a motion for approval?

Mr. Scalzo: I'll make a motion for approval.

Mr. McKelvey: I'll second.

Mr. Manley: Motion for approval from Mr. Scalzo, second by Mr. McKelvey, could we have the Roll Call please?

Ms. Gennarelli: Roll Call.

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Yes

James Manley: Yes

PRESENT ARE:

RICHARD LEVIN
MICHAEL MAHER
JAMES MANLEY
JOHN MASTEN
JOHN MC KELVEY
DARRIN SCALZO

ABSENT:

DARRELL BELL

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.
BETTY GENNARELLI, ZBA SECRETARY

(Time Noted – 8:08 PM)

8/9/18

JAN 0 9 2018

ZBA MEETING – DECEMBER 28, 2017

(Time Noted – 7:22 PM)

JETT & HEIDI PHILLIPS

27 LINDEN DRIVE, NBGH
(91-4-15) R-1 ZONE

JAN 0 9 2018

Applicant is seeking area variances for the total allowed square footage of accessory structures, the maximum lot building coverage, maximum lot surface coverage and the maximum required yard to build a 24 x 24 accessory building (detached garage); total allowed square footage of accessory structures, maximum lot building coverage, maximum lot surface coverage and building shall be set back 5 feet from the side lot line to keep 8 x 10 shed built without a Permit; the minimum rear yard setback and maximum lot surface coverage to build a 24 ft. above ground pool and add 8' x 14' to the existing 12' x 12' deck and also the minimum side yard setback and the combined side yards setback for the deck.

Mr. Manley: The next application is one that was one that was held over from our November 21, 2017 meeting. It's the application of Jett and Heidi Phillips, 27 Linden Drive, Newburgh.

Mr. Scalzo: Mr. Chairman I was not here for the previous meeting I am going to recuse myself and step outside.

Mr. Manley: Very good sir. Did you have an opportunity to review the minutes on it or...?

Mr. Scalzo: I didn't review them for this particular action nor did I visit the site.

Mr. Manley: Perfect, thank you. Good evening Mr. Phillips how are you?

Mr. Phillips: Good evening, fine, thanks.

Mr. Manley: I understand you submitted some revised proposals to the Building Department, yes?

Mr. Phillips: I did.

Mr. Manley: Okay. Do you just want to brief the Board what changes you made to your application and I'm sure the Board has received copies, so this way if they have any questions for you...

Mr. Phillips: Would that be as far as changes in regards to the garage and the above ground pool and the existing, pre-existing tool shed. Looking to remove the tool shed and reduce the size of the above ground pool from 24 foot round to a 21 foot round and I've also reduced the size of the garage from 24 x 24 down to 18 x 24 so it's an overall reduction of about thirty percent of the area that I was looking for in the previous application.

Mr. Manley: Okay. Does the Board have any questions for Mr. Phillips at all? I know the Board had some concern with size, the applicant has appears to have reduced the rear yard from fifty-five percent went down to about forty-seven which is about eight percent reduction there. The

building coverage based on the removal of the one shed and the reduction of the above ground pool he is able to reduce the building coverage are by about twenty percent of the variance he has originally requested and then the surface coverage area has also been reduced from thirty-eight point three to twenty-three point six. I know one of the concerns of one of the residents was run off and by having more impervious (pervious) surface coverage a...that's going to obviously help with water absorption which should negate that individuals concern. If no one has any questions for Mr. Phillips I'll open it up again to the public. If there's anybody from the public with regard to this application?

No response.

Mr. Manley: Hearing no concerns, questions from the public, look for a motion from the Board to close the Public Hearing.

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

Mr. Masten: I'll second.

Mr. Manley: We have a motion from Mr. Maher and a second from Mr. Masten. Roll call please.

Ms. Gennarelli:

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Abstain

James Manley: Yes

Mr. Manley: The Public Hearing is now closed and the Board will consider the application at the end of our meeting.

Mr. Phillips: Thank you very much.

Mr. Manley: Thank you very much for coming.

(Time Noted - 7:26 PM)

ZBA MEETING – DECEMBER 28, 2017 (Resumption for decision: 8:08 PM)

JETT & HEIDI PHILLIPS 27 LINDEN DRIVE, NBGH
(91-4-15) R-1 ZONE

Applicant is seeking area variances for the total allowed square footage of accessory structures, the maximum lot building coverage, maximum lot surface coverage and the maximum required yard to build a 24 x 24 accessory building (detached garage); total allowed square footage of accessory structures, maximum lot building coverage, maximum lot surface coverage and building shall be set back 5 feet from the side lot line to keep 8 x 10 shed built without a Permit; the minimum rear yard setback and maximum lot surface coverage to build a 24 ft. above ground pool and add 8' x 14' to the existing 12' x 12' deck and also the minimum side yard setback and the combined side yards setback for the deck.

Mr. Manley: Next is the application of Jett and Heidi Phillips, 27 Linden Drive, Type II Action under SEQR. As we discuss this application we'll start first with first item which is whether the benefit can be achieved by other means feasible to the applicant? The applicant has provided a updated plan showing a significant reduction in a number of areas. There are still some slight concerns I think that...that I have with the application possibly with the ability to move the structure around a little bit, move it a little bit closer to the house...so in my mind you know, the benefit could be achieved by other means feasible further. Does the Board have any other comments regarding that?

Mr. McKelvey: It seemed like he was putting it down further than he had to.

Mr. Maher: I mean he did...it was proposed at 18 feet now it's up to 21...sorry wrong one. Do you mean as far as the garage itself goes?

Mr. Manley: Correct.

Mr. Maher: Well there is no current request for a variance for that...for that location because that meets the setback requirements.

Mr. Manley: Does anyone else have any other comments at all? If not we'll move on to the next criteria which is whether the granting of the variance would create an undesirable change in the neighborhood character or detriment to any of the nearby properties? Any comments on that?

Mr. McKelvey: It's hard say because there's other properties with garages on them.

Mr. Maher: It's somewhat consistent with the neighborhood.

Mr. McKelvey: Yeah.

Mr. Maher: There was a concern about the building coverage and that was again reduced...fifty-three to thirty percent of the original application to create less of an issue as far as water runoff goes.

Mr. Manley: Whether the request is substantial in nature?

Mr. Maher: I guess I mean there's quite a few variances requested but again they've been reduced some of them significantly from the original request and again as John said there are...it is somewhat consistent with the neighborhood as far as additional garages go.

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

Mr. Levin: I don't believe it will.

Mr. McKelvey: As long as the drainage is taken care of...with the neighbor below.

Mr. Manley: And lastly whether the alleged difficulty is self-created? Relevant but not determinative. At this point, going through the area variance criteria does the Board wish to make a motion?

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

Mr. Manley: Motion from Mr. Maher to approve, do we have a second?

Mr. Levin: I'll second it.

Mr. Manley: Have a second from Mr. Levin.

Ms. Gennarelli: Okay, Roll Call.

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Abstain

James Manley: Yes

PRESENT ARE:

RICHARD LEVIN
MICHAEL MAHER
JAMES MANLEY
JOHN MASTEN

JOHN MC KELVEY
DARRIN SCALZO - ABSTAINED

ABSENT:

DARRELL BELL

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.
BETTY GENNARELLI, ZBA SECRETARY

(Time Noted – 8:13 PM)

18-1/9/18

ZBA MEETING – DECEMBER 28, 2017

(Time Noted – 7:26 PM)

NEWBURGH PARK ASSOCIATES, INC.

747 BOULEVARD (& I-84)
(89-1-80.1 & 80.2) I/B ZONE

RECEIVED

1

JAN 09 2018

PLANNING DEPARTMENT

JAN 09 2018

Applicant is seeking area variances for the front yard setback and one side yard setback for a site plan approval application before the planning board to construct a gas station and convenience store.

Mr. Manley: The next application which was also held open from our October 26, 2017 meeting and November 21, 2017 meeting is the application of Newburgh Park Associates, Inc., 747 Boulevard, I-84, Newburgh this is a continuation of that Public Hearing.

Mr. Manley: Good evening.

Mr. Lytle: Good evening Ken Lytle, representing the NPA Associates. I want to start off by apologizing for any confusion regarding the last meeting and my non-attendance. Since the last meeting we were waiting for some more information back from the D.O.T. since added that to the plan and showed the a...line of the permanent access or easement across the DEP property, we've also through the a...sheet number one which has the metes and bounds which was a concern of last time.

Mr. Manley: At this point I'd open up the a...Park hearing to the Board for any questions that they may have for the applicant or the applicant's representative.

Mr. Scalzo: Okay, Ken, I appreciate you giving us the metes and bounds that helps me tremendously but as I read all of the wonderful notes that refer to survey map bearing a licensed land surveyor's seal and everything else that goes with it I don't even find a reference to know who did the survey.

Mr. Lytle: That was Mr. Anthony Valdino did all that survey.

Mr. Scalzo: Okay, that's fine.

Mr. Lytle: He will be on the final (Inaudible)...

Mr. Scalzo: And...and...and that's...that's what I was hoping to hear. But there was no reference at all to who actually prepared the metes and bounds. I also looked at the old right-of-way maps a...for Drury Lane, I-84 and the access right-of-way leading to the parcel behind yours on the other side of the aqueduct is a separate parcel...

Mr. Lytle: It is not owned by this applicant.

Mr. Scalzo: That is correct however, they do have the rights to pass through both of the lots that the proposed development is going on. Now I don't know how that affects us

and what decisions that we can make but do you think...? And Dave I'll ask you is it appropriate that we have him define where there access is going to be through this lot?

Mr. Donovan: I don't know Darrin that it has an impact on the purpose that this is in front of our Board...

Mr. Scalzo: Okay.

Mr. Donovan: ...it may have an impact on the planning board in terms of the...Ken, I don't know if you've analyzed that where that may be in terms of the placement of your...your parking lot or your building what impact it may have but in terms of the variances that a...we're granting, that's a side yard I...I mean I don't really see...I mean...it's an issue, right?

Mr. Scalzo: Inaudible.

Mr. Donovan: (Inaudible) ...but I don't find it to be an issue for our Board but it's an issue that...that a...you are going to need to pay attention to.

Mr. Lytle: That's correct. (Inaudible)

Mr. Scalzo: Okay, that...that's fine with me. That...that's...those are the only questions I had. The other information that you had provided they were all in draft form, the taking maps from the D.O.T....

Mr. Lytle: That's correct, I have more final ones.

Mr. Scalzo: You have the executed ones?

Mr. Lytle: Yes.

Mr. Scalzo: Okay. That's all I got.

Mr. Maher: So in essence for the variance for the twenty-one feet it's all in that small section...that small corner of the property.

Mr. Lytle: That is correct.

Mr. Maher: In essence (Inaudible) foot of the actual overhang?

Mr. Lytle: That is correct, everything else (Inaudible) far exceeding.

Mr. Maher: Of the building, I'm sorry.

Mr. Scalzo: That's right and it's a very odd shaped a...the way the taking was there used to be a...

Mr. Lytle: Inaudible.

Mr. Scalzo: ...a dwelling there with a separate lot...

Mr. Lytle: That's correct.

Mr. Scalzo: ...so it's a tremendous amount away from the actual paved surface.

Mr. Lytle: Absolutely correct. Getting farther and farther the closer you get to 84.

Mr. Scalzo: Right.

Mr. Manley: What we could do Darrin is a...in the decision just have the a...just reference your issue with regard to the adjoining lot so that when the planning board gets our...

Mr. Scalzo: Reads our minutes then they'll...they'll...

Mr. Manley: ...they'll be in the decision and they'll be able to see that there was a concern raised about access.

Mr. Scalzo: Fair enough.

Mr. Manley: That way it gets addressed, you know, before there is a problem.

Mr. Scalzo: Okay.

Mr. Manley: Does any of the Board Members have any other questions? If not, I'm going to turn it to the public.

No response.

Mr. Manley: If there's anybody from the public that has any questions regarding this application raise your hand and the Board will recognize you to come forward.

No response.

Mr. Manley: Hearing none, come back to the Board and I'll look for a motion from the Board to close the Public Hearing.

Mr. Scalzo: I'll make a motion we close the Public Hearing.

Mr. Levin: I'll second it.

Mr. Manley: We have a motion from Mr. Scalzo, a second from Mr. Levin roll call please.

Ms. Gennarelli: Roll call.

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Yes

James Manley: Yes

Mr. Manley: The Public Hearing is now closed.

(Time Noted - 7:33 PM)

ZBA MEETING – DECEMBER 28, 2017 (Resumption for decision: 8:13 PM)

NEWBURGH PARK ASSOCIATES, INC. 747 BOULEVARD (& I-84)
(89-1-80.1 & 80.2) I/B ZONE

Applicant is seeking area variances for the front yard setback and one side yard setback for a site plan approval application before the planning board to construct a gas station and convenience store.

Mr. Manley: Next is the application of Newburgh Park Associates, Inc., 747 Boulevard, This is a Type II Action under SEQR. Let's start with the first which is whether the benefit can be achieved by other means feasible to the applicant?

Mr. Maher: Based on the layout of the property not likely the septic area and the building envelope pretty much...the building remains pretty much in the envelope with the exception of the...the one canopy area.

Mr. Manley: And overall the request for the variance is not substantial in nature.

Mr. Maher: Correct and again the...the variance for the front yard setback there is only a question of eight feet because of the jog in the property that the State took.

Mr. Manley: So the question is jumping to whether or not it's self-created, it may not necessarily be completely self-created because the State took part of the property.

Mr. Maher: In essence had they taken that one corner there would be an issue at all.

Mr. Scalzo: I believe it's the same owners the real property transaction is New York State D.O.T. acquired the property from the owners that are the applicants.

Mr. Manley: Does the Board feel that there would be an undesirable change in the neighborhood character or detriment to any of the nearby properties? It is an I/B Zone, there really aren't a lot of residential properties in the area.

Mr. Maher: And it is adjacent to 84 which is obviously where you want to locate it.

Mr. Manley: Does the Board feel that the request is substantial in nature?

Mr. Maher: I don't believe so.

Mr. McKelvey: No, I don't believe so.

Mr. Levin: No.

Mr. Manley: And lastly is whether the request will have adverse physical or environmental effects?

Mr. Maher: I don't believe so.

Mr. McKelvey: No.

Mr. Masten: No.

Mr. Manley: I would think if it did that the DEP would probably have some concerns about locating a gas station so close to the aqueduct.

Mr. Levin: Yes. I agree.

Mr. Manley: We haven't received any feedback from them. Based on the information presented do we have a motion?

Mr. Levin: I'll make a motion to approve.

Mr. Masten: Second.

Mr. Manley: We have a motion to approve from Mr. Levin, a second from Mr. Masten, Roll Call please.

Ms. Gennarelli: Roll call.

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Yes

James Manley: Yes

Mr. Scalzo: Jim, if I could just throw the conditions in there which I should have mentioned before we voted. Just that on the subsequent submittals to the planning board that they note the easement through the aqueduct site that needs to be on the map as well as the land surveyor's seal and signature.

Mr. Maher: Through the other lots.

Mr. Manley: Would Mr. Levin be willing to amend his motion to include Mr. Scalzo's comments?

Mr. Levin: Yes.

Mr. Manley: And would Mr. Masten be willing to second that?

Mr. Masten: Yes.

Mr. Manley: Could we just go through the Roll Call again to make sure that all the Board Members are okay with the amendment as presented by Mr. Scalzo?

Ms. Gennarelli: Yes.

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Yes

James Manley: Yes

Mr. Manley: The motion is approved as amended and the variance is approved.

PRESENT ARE:

RICHARD LEVIN
MICHAEL MAHER
JAMES MANLEY
JOHN MASTEN
JOHN MC KELVEY
DARRIN SCALZO

ABSENT:

DARRELL BELL

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.
BETTY GENNARELLI, ZBA SECRETARY

(Time Noted – 8:18 PM)

12/19/18

Mr. Scalzo: Actually my question is for Dave, in the last meeting that the applicant appeared at...Dave you read off the definition of accessory apartment a supplemental dwelling unit

a...because it just seemed odd to me that you know, a separate structure could be considered an accessory apartment. In digging a little further just by definition of dwelling or dwelling unit this still in my opinion is a dwelling unit a...it...it reads for everything that a dwelling unit is but yet there is no accessory use other than this being a dwelling unit so I'm...if you could help me understand how I'm looking at this. I'm having a real difficult time not considering this to be a second dwelling unit and perhaps there's some ambiguity in the apartment...accessory apartment (Inaudible)...

Mr. Donovan: Inaudible.

Mr. Manley: Normally an accessory apartment is...there's a garage involved, in the ones that we've done in the past.

Mr. Donovan: So my recollection Darrin, last time is we talked about the definition of accessory apartment...

Mr. Scalzo: Correct.

Mr. Donovan: ...supplemental dwelling unit within a one-family dwelling or a separate dwelling unit accessory to a principal residential or non-residential use.

Mr. Scalzo: I understand that but then when you read the definition of dwelling or dwelling unit and then that goes so far as to say for a family...the definition of a family is on the following page, a family can be one person. So I'm again I'm struggling with why we're not calling this a dwelling unit and not an accessory apartment.

Mr. Donovan: So let's bear in mind what our role is...we're an Appellate Board, we sit in...in review of...in this case, the Building Department's determination. My recollection, without going back to the minutes, is the Building Department has offered the opinion that an accessory apartment can be located in a separate structure on the...on the property. Do I recall that correctly? I believe Jerry offered that opinion at the first meeting? Bear with me...

Mr. Manley: Correct, that would be correct.

Mr. Scalzo: But we're actually looking...the first meeting was a use variance and an area variance.

Mr. Donovan: Well I think we thought it was a use variance Darrin. I thought we got over that issue but...

Mr. Henderson: Because the square footage was...

Mr. Donovan: Because...because it was the square footage, yeah. That's why they considered it a separate dwelling unit.

Mr. Maher: Above 900 (s/b 700) square feet is a dwelling unit, below is an accessory apartment.

Mr. Scalzo: Thanks Mike, you just answered my question.

Mr. Donovan: So does Mike get my fee tonight?

Mr. Scalzo: He said it in a lot less words Dave.

Mr. Donovan: I was ready...I was ready, Darrin. Am I done now?

Mr. Maher: You're good.

Mr. Donovan: One other item for clarification, if you look at the new letter from Code Compliance, it doesn't indicate a variance for lot width is required but I believe the answer is one is. The existing lot width is sixty-five feet which does not meet the code. This is a request for a new approval so you would have to give the lot width variance as well.

Inaudible

Mr. Donovan: The question just for the record, the Chairman has asked what's the definition of a supplemental dwelling unit; I'll check real quick, I don't believe that we have a separate definition. Supplemental usually means in addition to but I think for this case it should be read as being the equivalent of accessory. It means additional, I mean, supplemental means additional. We do not have a definition of supplemental dwelling unit in the code. I would say that the meaning of that is an additional unit that's accessory since it's the definition of an accessory apartment and it has to be smaller obviously than...than the living space in the main house.

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

Mr. Maher: Dave, the...the new sheet that you got from Joe is this actually...this was the new updated final?

Mr. Donovan: This was the new updated final.

Mr. Maher: But you're going to add in there the...the lot width variance?

Mr. Donovan: Well it's called out on the a...

Mr. Maher: On the bulk...I saw the bulk table, I saw that.

Mr. Donovan: Yeah, yeah. And the sixty-five it's existing the general rule that we follow is when there's a change proposed that it needs to meet the code. That's why there are so many variances that come to us on a subdivision on a house that has an existing non-conforming front yard, we grant a front yard variance a...I...I would...Code Compliance is not here tonight. So we can't ask them that question but if you look at the variances required down at the bottom of the Code Compliance sheet it indicates the lot must meet the requirements of the zone for a single family

dwelling. Lot width needs a hundred and fifty, they have sixty-five, they've always had sixty-five but I...I view that as a...as an additional variance that would be needed for this application.

Mr. Maher: One question, so the accessory structure is that viewed in the same manner in which the main structure is viewed as far as the height goes?

Mr. Donovan: No, I believe if it's an accessory structure it's subject to the height limitation for an accessory structure.

Mr. Maher: (Inaudible) or that of only on the road side...similar to as when the house is measured from the road?

Mr. Donovan: It's got to meet whatever...whatever the requirement is Mike and I don't know without looking, whatever the requirements for the height of an accessory structure that's what this would have to meet because that's what it is.

Mr. Scalzo: And see I recall for Hudelson out on Oak Street and it was quite endeavor but it was from the road that we measured the building height.

Mr. Maher: Yeah, I understand that I just want to make sure that we're not ignoring that one because it...obviously it is...there's an elevation height a different height from the other sides so I want to make sure we're covered there.

Mr. Manley: I would think it would have to meet the height for an accessory structure. It can't be higher than fifteen feet.

Mr. Donovan: Code Compliance isn't here so you have...you have the option of going forward based upon the information; you have the option of waiting and asking Code Compliance either...

Mr. Maher: Well, well obviously I mean I guess, well I mean you take into account the actual slope of the property at the end of the day, if there was a serious slope you couldn't measure from the...you know, if the back of the house was forty feet high and the front measures thirty based on the slope of the property. Again it's based on the road side measurement I just want to confirm that's where we're going.

(Inaudible)

Mr. Maher: Well no...

Mr. Scalzo: It didn't appear to be precipitous at all...

Mr. Maher: ...understand, the numbers work I understand that.

Mr. Donovan: Not to delve into the land of hearsay but just so you know, Betty is indicating that she did have a conversation with Joe Mattina on that issue...

Mr. Maher: Yeah.

Mr. Donovan: ...and he indicated it is compliant.

Mr. Maher: It says building (inaudible) average elevation of the finished grade along the side of the structure fronting the nearest street.

Mr. Manley: And the only thing that I look at is the...you know, the considerable variance based on the lot area. It's supposed to have forty thousand square feet but only twenty-one, three ninety exist. I understand it's pre-existing but we're adding something that was never there before which is a...you know, an additional dwelling unit to a...you know, a piece of property that's very small in size and it's not...you know, something like this is not very common in the area. There's not you know hardly anything that's similar to that in the area. I understand there's other cottages but nothing that's been built there new. Does the Board have any other further questions or do they need any more information from the applicant?

No response.

Mr. Manley: If not I'll turn to the individuals that are in the audience if there's anybody here regarding this application that would like to make a comment, please step forward.

No response.

Mr. Manley: Hearing none, at this point, if the Board doesn't have any further questions I'll look for a motion to close the Public Hearing.

Mr. Maher: I'll make a motion.

Mr. Manley: Motion from Mr. Maher, do we have a second?

Mr. Levin: I'll second.

Mr. Manley: Second from Mr. Levin. Roll call please.

Ms. Gennarelli: Roll call.

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Yes

James Manley: Yes

Mr. Manley: The Public Hearing is now closed. Now we do have some individuals here in the audience that I think are here from a school. Is that correct? At the end of the meeting I'll sign your...if you have a sheet, is it NFA or Wallkill? ...Washingtonville, okay. Wow, okay.

Mr. Donovan: You had to get it signed by the thirty-first of December, is that...?

Audience Member: No.

Mr. Manley: Well the Board is going to take a short adjournment so that we can confer with Counsel regarding legal questions raised by tonight's applications. If I could ask in the interest of time if you could wait out in the hallway and then we'll call you back in very shortly as soon as we're done. It shouldn't be very long at all.

(Time Noted - 7:47 PM)

ZBA MEETING – DECEMBER 28, 2017 (Resumption for decision: 8:18 PM)

YASSER ALY

300 LAKESIDE ROAD, NBGH
(50-1-48) R-1 ZONE

Applicant is seeking Area variances for the minimum lot area, the minimum lot width, the minimum one side yard setback, the minimum combined side yards setbacks, the 1500 sq. ft. minimum floor area and the maximum lot surface coverage to convert an existing non-conforming accessory building into a second single-family dwelling unit on the premises.

Mr. Manley: The last item on this evening's agenda is the application of Yasser Aly, requesting area variances for the property at 300 Lakeside Road in Newburgh. It's a Type II Action under SEQR. The first item that we have to discuss is the first criteria for the area variance which is whether the benefit can be achieved by other means feasible to the applicant? There is one way and that would be to put it as an addition to the current residence is one option.

Mr. Maher: Well the results are the same in the end of the day.

Mr. Manley: Yes...moving on to the next, whether granting the variance would create an undesirable change in the neighborhood character or detriment to nearby properties?

Mr. Levin: I don't believe it will.

Mr. Maher: There were no neighbors that voiced any...any opposition.

Mr. Levin: Well one.

Mr. Maher: Well I mean but...

Mr. Levin: Yeah.

Mr. Maher: ...continuously as far as you know, the changes made there.

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

Mr. Scalzo: Well the...the proposed improvement is very similar in size to the one that is going to be removed.

Mr. Levin: Yeah.

Mr. Maher: In essence there's really...in essence there's really no variance at all other than the fact that you're rebuilding and putting an apartment in it is just the footprint but most part it is the same, elevation, the height doesn't change, doesn't go above and beyond the actual allowed for an accessory building.

Mr. Manley: Although they do have to meet the requirements of the current code with regard to lot area and also lot width, lot depth, setbacks.

Mr. Maher: Again, but pretty much pre-existing conditions...

Mr. Manley: Right.

Mr. Maher: ...pre-existing you know, the building is pre-existing you're just rebuilding it.

Mr. Manley: The next criteria is whether the request will have adverse physical or environmental effects?

Mr. Scalzo: Again, there replacing a...with a structure that they're removing just about the same size.

Mr. Levin: The other one is falling apart that they're removing.

Mr. Scalzo: Yeah, they'll...they'll have increased traffic for the one family that's going to occupy it but I would say that that's negligible.

Mr. Maher: And actually looking...looking at the current proposed apartment is actually the footprint is actually smaller than of the actual original garage and they did move it off the property line so it meets the requirements of the required setback.

Mr. Levin: I feel you're improving the neighborhood.

Mr. Manley: And the last which is whether the alleged difficulty is self-created?

Mr. Maher: As with most of them they generally are.

Mr. Levin: Yeah.

Mr. Manley: At this point I'll poll the Board for a motion with regard to this application based on the information presented this evening.

Mr. Levin: I'll make a motion to approve.

Mr. Manley: I have a motion to approve from Mr. Levin. Do we have a second?

Mr. Maher: Second.

Mr. Manley: Second from Mr. Maher, Roll Call vote.

Ms. Gennarelli: Roll call.

Richard Levin: Yes

Michael Maher: Yes

John Masten: Yes

John McKelvey: Yes

Darrin Scalzo: Yes

James Manley: No

Mr. Manley: The variance is approved and the variance is granted.

PRESENT ARE:

RICHARD LEVIN
MICHAEL MAHER
JAMES MANLEY
JOHN MASTEN
JOHN MC KELVEY
DARRIN SCALZO

ABSENT:

DARRELL BELL

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.
BETTY GENNARELLI, ZBA SECRETARY

(Time Noted – 8:21PM)

BB 4/9/18

ZBA MEETING – DECEMBER 28, 2017

END OF MEETING

(Time Noted – 8:21 PM)

JAN 09 2018

Mr. Manley: That concludes our meeting for this evening. I will make one announcement and that is this evening we will be losing a Member of our Board. Mr. Maher has announced that he is not going to request that the Town Board reappoint him for the January term for five years. So the Board will have an opening starting January 1. If anyone is interested in serving or knows of anyone interested in serving on the Zoning Board my recommendation would be to send your letter of intent and interest to the Town Board. At this point, I would like to thank Mr. Maher for his service on the Board and his years of experience that he's given to the Board over the years. I appreciate it Mike.

Mr. McKelvey: Thank you Mike.

Mr. Masten: Thank you Mike.

Mr. Donovan: Thank you Mike.

Ms. Gennarelli: Thank you Mike.

Mr. Scalzo: Thank you Mike.

Mr. Levin: Thank you Mike.

Mr. Manley: At this point do we have a motion to approve our minutes from the last meeting?

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

Mr. Manley: A motion from Mr. Masten, do we have a second?

Mr. Levin: Second.

Mr. Manley: Second from Mr. Levin. All in favor?

Aye - All

Mr. Manley: Opposed?

No response.

Mr. Manley: Motion carried. Do we have a motion to adjourn our last meeting of 2017?

Mr. McKelvey: I'll make that motion.

Mr. Levin: I'll second it.

Mr. Manley: Motion and a second, all in favor?

Aye All

Mr. Manley: The meeting is adjourned. Thank you. Happy New Year.

Ms. Gennarelli: Happy New Year.

Mr. Manley: If you (to the Washingtonville students) want to come up I'll sign your papers.

Mr. Manley signed papers and students requested and took pictures with the Board.

PRESENT ARE:

RICHARD LEVIN
MICHAEL MAHER
JAMES MANLEY
JOHN MASTEN
JOHN MC KELVEY
DARRIN SCALZO

ABSENT:

DARRELL BELL

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.
BETTY GENNARELLI, ZBA SECRETARY

(Time Noted – 8:23 PM)

28 1/9/18