



41 Shari: The reason that Mr. Burdash is here has nothing to do with whether or not he had the location  
42 inspection, which was part of the minutes from last time so I think that is why he is trying to address that, that  
43 there was an error in reading the plans and that error would have been caught at the location inspection had  
44 that inspection been called for. I think what Mr. Gargiulo is saying is that really has no input on the variance.  
45 The variance would be the same. Weighing the checks and balances of the variance the Board looks at this  
46 application, whether or not the shed is there, as if the shed is not there. This variance is based on Town law  
47 not on whether or not a permit was issued.

48 Paul: I am just trying to show that the Town is not as at fault as everyone is trying to make it, in case of a  
49 lawsuit due to a denial in the application.

50 Anthony P: We are not here for that. We are just here to decide on the variance. Whatever happens after that  
51 is outside of this room.

52 James Casabura of 145 S. Riverside Rd.: I have no objection to this.

53 Anthony ran through some of the parcel details of this application as read on the draft decision not yet  
54 completed.

55 Mr. Burdash: I submitted photos of the sloped yard at the last meeting and have since had estimates for  
56 another site preparation which would include moving the shed and preparing another pad for it. The cost to  
57 move the shed would be \$450.00 and the site work that is required is \$4,600.00 to prepare a retaining wall due  
58 to the slope of the hill as well as other work to make it level.

59 Estimates submitted.

60 Paul S: You cannot move the shed to the side of the house?

61 Mr. Burdash: My air conditioner and utilities are there.

62 Paul S: And the slope begins right there?

63 Mr. Burdash: Yes, the slope is really steep.

64 Anthony P: The code specifically states no accessory buildings shall be located in the front yard. We need to  
65 go through checks and balances with a series of questions, we need to ask ourselves and debate.

66 1. Is the requested property benefit both legitimate and substantial, and can it be achieved by conforming  
67 means?

68 Anthony P: Yes, you are asking us to change a pretty big law that we have. It is spelled out no accessory  
69 structures in the front yard. Obviously you have quotes to move it so it can be moved to another location. So  
70 there is a means of conforming.

71 Tim: It has already been set.

72 Anthony: We are here for the variance to put it in the front yard nothing else. Based on the obvious criteria  
73 that is the only thing we have to go by.

74 2. Is the requested relief substantial, and is it the minimum necessary?

75 Paul: It is very substantial and over the concept of the policy.

76 Anthony: It is an accessory structure and in complete non-conformance.

77 3. Would the variance have adverse impacts on the neighborhood, district, or town?

78 Anthony: Yes it would because it would be setting a precedent.

79 Paul S: If my neighbor put a shed in his front yard it would be detrimental to my property.

80 Tim: Not necessarily.

81 Anthony: Why would we change the law to set one in the front yard?

82 Tim: We are not changing the law.

83 Paul S: There is a law in place to prevent your property from being a detriment to the neighborhood.

84 Tim: But if you get a variance due to different circumstances.

85 Paul S: We are just looking at this right now.

86 Tim: There are houses in this Town that have storage sheds in their backyards that border main roads and the  
87 back yards are horrible.

88 Alan H: How about it cannot exist in the front yard unless it is back so far off of the road. Over 100 years ago  
89 there probably would have been a carriage house sitting there with a second story or it would be out by the  
90 road.

91 Mr. Burdash: If I had a house that was 1000ft off of the road and you could not see it and at 900ft. I put a  
92 shed. I could not put the shed there even though it was not visible?

93 Tim: In my opinion that is where a variance would come in. If you have a house that far set back and you  
94 cannot see anything, I do not see the problem with that.

95 Mr. Burdash: It is not changing the law that is why each case is individually based. When I looked at the  
96 Grand St. Variance that was given, what I understand is that there was a gentleman who put a shed out, paved  
97 the driveway to it, and ran electric to it without a single building permit. I went through the channels to get  
98 everything done the right way.

99 Shari: That is not 100% true. What happened was is it was on a building application so the gentleman thought  
100 he had it on the building permit. It was for a deck and a shed. We had a building inspector at the time that  
101 approved the deck but did not determine the shed. That actually got a CC (Certificate of Compliance). You  
102 are right there were errors in there. That property went for the variance because it has no backyard. The back  
103 property line was right behind the house. There was no other place on that property to put that shed and they  
104 did have him move it 5ft and redo the electrical lines so that it was in more compliance to the code. There was  
105 a much bigger story to that variance.

106 Mr. Burdash: That did not change the law. You look at each case individually and my situation is that I have  
107 a really steep slope in the back of my property. Had I been instructed in the beginning that I could not put this  
108 here, I may not have put the shed up. It is going to cost more to relocate it then the shed cost. I realize that the  
109 cost is not to be weighed in on this but it is a reality for me.

110 Shari: And if a location inspection was done you would have known, by just tape or an orange line like we  
111 requested, and you would not have had it set there.

112 Mr. Burdash: Are site inspections done on every single building permit?

113 Shari: Yes, most of them have location inspections.

114 Mr. Burdash: Because again I do not recall seeing the yellow card when I got the permit.

115 Shari: I understand that. And you are absolutely right you have the right to be here to ask for the variance.

116 Tim: Does it cause a big problem to grant this variance?

117 Paul G: Yes, because you had mentioned it several times at the meeting before, we are setting a precedent.

118 Tim: Can we go into executive session?

119 Paul G: No. Not as a group.

120 Tim: Is it allowed Mr. Supervisor?

121 Paul H: You can make a motion to go into executive session, that needs to be seconded, and then if the  
122 majority votes yes you can go into executive session. Everyone has to leave the room.

123 A **Motion** to go into executive session was made by Tim Marion, seconded by Paul Gargiulo.

124 Anthony P. – Nay, Paul S. – Nay, Paul G – Nay.

125 Paul H: Mr. Chairman, you seconded the motion and voted no.

126 Paul G: Yes, I wanted to give the Board the opportunity to vote.

127 Anthony P: We are here to look at this variance lets go through the checks and balances and answer the  
128 questions.

129 4. Was the difficulty self-created by the current or any previous owner?

130 Paul G: Yes.

131 Anthony P: Placement was non-conforming; there are restrictions in our law that says no.

132 A **Motion** to deny the variance was made by Anthony Pavese, seconded by Paul Symes.  
133 All in favor:  
134 Paul G: Aye, Paul Symes: Aye, Anthony Pavese: Aye, Tim Marion: Nay, Alan Hartman: Nay.  
135 Mr. Burdash: I think the chairman should recuse himself from voting, we have a history going back a number  
136 of years.  
137 Paul G: The history is he dated my daughter years ago; I just want to state that I have a relationship with many  
138 people in this town.  
139 Shari: I really do not know the law. My suggestion is maybe take the vote but I am not sure how to handle  
140 this.  
141 Alan: Does the record show that the applicant requested Mr. Gargiulo to step aside before the vote?  
142 Shari: No. He did not request a recusal prior to the vote.  
143 Shari: Just a suggestion is to close the public hearing, rescind the vote and get some more information for the  
144 next meeting.  
145 A **Motion** was made to close the public hearing by Alan Hartman, seconded by Tim Marion. All ayes.  
146 The Board discussed rescinding their vote until next meeting.  
147 A **Motion** was made to rescind the vote and hold the meeting open for vote/decision next meeting by Anthony  
148 Pavese, seconded by Tim Marion. All ayes.  
149 If Paul is recused the vote will be two-two.  
150 Shari: I do not know the legalities yet.

151

152

153 **New Village View; 1 Grove St. Variance for expansion; SBL#88.69-1-10 in CB zone.**

154 The proposed application is for an expansion of an existing assisted living facility.  
155 Section 100-17C(1) - Expansion of a non conforming use. A 50% expansion is allowed. The  
156 proposed expansion exceeds 50%.

157

158 **100-17 Nonconforming uses, structures and lots.**

159 **C. Nonconforming uses of structures.**

160 (1)

161 Expansion. A structure, the use of which does not conform to the use regulations for the district in  
162 which it is situated, may be extended; provided, however, that as to such extension, all of the  
163 requirements as to distance from highways and lot lines as provided by this chapter for such  
164 structure in the zone for which such nonconforming use would be a conforming use or in the zone in  
165 which such structure is located, whichever requirements are greater, must be complied with, and  
166 that the extent of such expansion, whether occurring as a single expansion or as the aggregate of  
167 two or more smaller expansions, does not exceed 50% of the gross floor area of the structure  
168 dedicated to the nonconforming use at the time of the enactment of this chapter, and that the  
169 nonconforming intensity of use will not be increased with respect to traffic usage, amount of effluent,  
170 noise, lights, odors, hours of operation, or other environmental impacts.

171 Anthony Trochiano, PE, the applicant's representative, was present for the meeting.

172 Barry Terach, AIA, the applicant's representative, was present for the meeting.

173 The public had comment letter submitted to the Zoning Board.

174 Shari Riley, Code Enforcement Officer, read the code referenced in this application. 100-17 C. (1) It can also  
175 be found on the Town website.

176 A **Motion** to open the public hearing was made by Paul Gargiulo, seconded by Paul Symes. All ayes.

177 Mr. Terach informed the public: This facility currently houses 46 beds; New York State identified this single  
178 location in need of services. They declined applications from all surrounding areas. NYS approved a larger  
179 number of beds than the applicant is applying for. The process has to do with identifying an aging population  
180 area. They identified that the older generation is getting older and people are staying in their houses longer, so  
181 the need for a facility like this is increasing. The pluses to this type of facility are people can stay in their  
182 neighborhood as opposed to going to a different state to live once they get older. Given the approval by the  
183 State that is a trigger for this application. The facility has 46 beds and would like to add an additional 34  
184 beds, that number does not come in to play in any part of the variance, I am just explaining the degree of  
185 increase to you in real life people.

186 Mr. Trochiano informed the public: The owner of the assisted care facility owns three properties that are all  
187 adjacent to each other. There is the existing facility and a total of four dwellings that exist on the properties.  
188 With the need in the area they are proposing a two floor extension similar to what is there. What is proposed is  
189 to remove all of the buildings for this addition and we would provide additional parking for the expansion, a  
190 better organization of the site and layout. Right now all of the loading and unloading is done in the existing  
191 parking area. This building also includes a new dining facility for the residents and kitchen. I believe the  
192 existing dining facility will be renovated into a common area for activities, which I do not believe that they  
193 have today.

194 Mr. Terach: I guess the point Anthony Trochiano is making is that there is no new stuff. It is bedrooms, a  
195 kitchen and dining room, that's it.

196 Mr. Trochiano: This is in the CB zone, central business zone. It is a business district. Business districts are  
197 usually very diverse with a lot of different uses. Unfortunately this use is not allowed. All of the surrounding  
198 zones (a different business zone and the residential zone) this use is allowed with a special use permit with the  
199 planning board). We are right on the edge of it; unfortunately we are not in it. It is not necessarily that it is out  
200 of place but by law we are not allowed to expand it past a certain threshold. That is why we are here.

201 Shari: This is for the variance for the expansion. It will also go through Planning for site plan approval where  
202 if you have concerns about trees and things like that, you have a whole other opportunity, if the variance goes  
203 through, with the Planning Board and site plan approval. This is the first piece of this process because if they  
204 cannot get the variance than they obviously were not going to go to the Planning Board with this. There is  
205 really a whole other process for this, this is for the variance for the expansion of over the 50% increase of floor  
206 area.

207 Wendy Rosinski of 13 Maple Ave: Shari could you explain the CB zone?

208 Shari: The CB zone is a zone that usually has some sort of commercial process on the bottom, either a service  
209 business or retail business, and it allows second story apartments. It is kind of what the Hamlet is and this is  
210 on the outskirts of the Hamlet. The other interesting thing about this building is that in our code it is named as  
211 an adaptive reuse building. That adaptive reuse building would allow mixed use, high density also commercial  
212 on the bottom and residential on top, which they could do as of right now with the Planning Board. That is just  
213 another piece of this unusual and unique building.

214 Tim: Shari, could this project be turned into low income housing or section 8 if they decided to go from a  
215 nursing home to housing?

216 Shari: I do not know the answer to that I would have to look up if that use would be allowed in the CB zone.  
217 Low income housing is a different thing, it would need so much work they would all need kitchens, I don't  
218 think that is a concern.

219 Mike Guerriero: What are the setbacks in the CB zone?

220 Shari: The setbacks in the CB zone are as follows; there is no front or side setbacks in the CB zone, and the  
221 rear set back is 25ft.

222 Mr. Trochiano: This does and the expansion would meet the required setbacks.

223 Mike G: If the use changed would that still apply?  
224 Shari: The adaptive reuse is something that is a little different and that is something that would have to be  
225 looked into and the Planning Board would have a lot more say in that if it were ever changed over to a  
226 different use using the adaptive reuse part and not the CB part. This applicant is not asking for that. This use  
227 is a grandfathered use, it is allowed and they can expand. This application is based on the gross floor space  
228 they want.  
229 Wendy: And the three houses, the two that are being proposed to be torn down and the one to stay up, are they  
230 within the CB zone?  
231 Shari: They are in the CB zone. It has been the zoned CB since the 1970's we have not changed any of that.  
232 Paul G: If this property was in the R1/4 zone, just a couple of houses down, it would be a permitted use.  
233 Shari: Yes, they would just have to go for site plan.  
234 Mr. Terach: If this were to be approved the owner is more than willing to work with the neighbors to help  
235 with buffering and landscaping.  
236 Amanda Padilla of 11 Grove St.: My father is here to help me with some questions.  
237 Tony Pampinella (father of Amanda Padilla): We have concerns like everyone here a lot of small children in  
238 the neighborhood as far as the safety factor. They have a gazebo shown that butts up to my grandsons  
239 backyard. That will become a smoking lounge; you know that is going to happen. Those are some things I  
240 would like to see addressed. What checks and balances are in place as far as background checks for the  
241 residents? All children in the neighborhood are exposed to who lives there and we do not know them. I would  
242 like to see the town Planning Board maybe do a preliminary review for this before you do the zoning to see  
243 what kind of input they might have on it. Our house is 15ft away from this new proposal.  
244 Anthony P; This is not a discussion, we are here to hear all of your concerns. Dump it on us, we are here to  
245 hear everything that you have to say we are basically just listening right now.  
246 Paul G: We want to see if there are any problems that we could nip in the bud now or are adjustments needed?  
247 Sue Kaplan of 6 Meadow: The loading dock is right where my daughter stands for the bus every morning.  
248 Where is this truck traffic going to go, right through our narrow road which is basically one lane?  
249 Paul G: Let's step back for a minute if we do not approve this project for any reason, you understand that you  
250 could have 10 businesses, by right, on the first floor of this building. This is in the CB zone, there is going to  
251 be traffic there any which way, commercial traffic, residential traffic or this traffic.  
252 Ms Kaplan: I like what you are telling me and it is a nice perspective considering I am on the other side of hell  
253 because I wake up every morning to jack hammering and everything else on the other end of the street. I am a  
254 resident and I just wanted to voice my Concerns, I have a little girl who likes to go up and down the street and  
255 play with other kids. I have a curio on her which basically detects her and now it's like (unfinished). And you  
256 are right another business can go in there. When I read the Highland site it says you are trying to keep the  
257 Hamlet a rural community when you start bringing things in and expanding it's becoming Poughkeepsie that is  
258 my thought.  
259 Shari: (to Mr. Terach) could you address her concerns about where the trucks are going to come in?  
260 Mr. Terach: There is no loading dock, on the map it does say loading area, and maybe that is a bad phrase.  
261 What happens now a truck pulls in and delivers food or linens, the proposal is for the same truck to pull up  
262 onto the side of the building. There is no dock, it is not the back of ShopRite nothing like that. It is a box  
263 truck that does the deliveries.  
264 Ms. Kaplan: Thank you. That is how I was thinking. My kid stands right there for her bus every day.  
265 Shari: How many beds are you expanding again?  
266 Mr. Terach: 34.

267 Shari: I guess if you think of how many beds they are expanding, you can think of how many extra linens and  
268 food will be delivered. That will amount to the extra truck traffic. They are not extending it any more than  
269 people. It will be the same trucks, just potentially going around to a different parking lot.

270 Mr. Pampinella: Will this hearing remain open until the Town Board gets a chance to review?

271 Shari: The Board will decide that at the end of this meeting after hearing all of the public comments.

272 Meghan Borland of 17 Grove St.: One of my biggest concerns is the impact on the neighborhood because the  
273 current property is not well maintained so now there will be twice as much property to maintain. I am looking  
274 for some assurances that the property will be taken care of. I have personally called twice this summer  
275 because they are not mowing the lawn. Something as simple as the grass knee high outside the assisted living  
276 and the two houses, not including the one just bought over the summer, has gone into disrepair. The pipes  
277 have burst and flooded the neighbor's property which was not taken care of when the neighbor tried to contact  
278 the owner. I think it is a big concern when you talk about doubling the size of the property is that going to be a  
279 benefit to the Town if the same people are maintaining it and are not doing a good job currently. I think that is  
280 one of the questions you (the ZBA) are suppose to look at when you decide on this application. Is there a  
281 discernible benefit in allowing them to expand as well as having a negative impact on the neighbors? I know  
282 you can decide that at the Planning Board level but you can also decide that here because they want to double  
283 the space and part of the criteria to allow them to do that is benefit-vs-negative impact, is there going to be  
284 more noise, more traffic and how does that effect the neighborhood?

285 Tim: Has the Building Dept. been enforcing the lawn issue?

286 Shari: Yes.

287 Tim: How come right out the back door they have not been enforcing the lawn issue?

288 Shari: And why would you say we have not enforced that, I have complaints and have had them mow it.

289 Tim: She just said the grass was knee high.

290 Shari: And she called us and we went out and had them mow it. It was enforced.

291 Ms Borland: It had to be done a couple of times.

292 Wendy Rosinski of 1 Meadow St. directly across from the proposed new driveway: Could you just tell people  
293 what adaptive reuse means?

294 Shari: This is a list of properties that the Town Board determined had unique qualities that allowed further  
295 expansion. Most of them are coolers. Now they are coolers and the Town wanted to use these properties to  
296 the highest use of the Town. There is a lot more flexibility in the code and what is allowed there, but it was  
297 really put in place to potentially use these buildings that do not have a set use, again like coolers. Unique  
298 properties that needed to be looked at individually, this is one of them probably because it was in the CB zone.  
299 I want you to be aware that there could be conditions placed on site plans and variances. If the approval is  
300 done, it could be taken out of the adaptive reuse category so that you do not have the concern once it is  
301 expanded. The town made those determinations based on the old footprint, so this could be looked at and  
302 potentially removed from that list should expansion happen, or something like that.

303 Mrs. Rosinski: At the end of Meadow St. the cold storage was an adaptive reuse building, many years ago a  
304 developer came in (inaudible), and the neighbors fought it, they now renovate wooded pallets there.

305 Shari: Pictures, they ship pictures or paintings.

306 Mrs. Rosinski: Now there are pallets as far as you can see, that is an unfortunate circumstance of an adaptive  
307 reuse. Now you want to take this adaptive reuse building, and you are not using the building, you are tearing  
308 three residential homes down and they could become businesses. You are taking these homes down and want  
309 to put up a three story building, I believe, a basement, first floor and second floor. It is not two stories.

310 Mr. Terach: I do not have the grading figured out yet but it will not be three stories exposed when we are  
311 done. The basement will be like a basement.

312 Mrs. Rosinski: Ok, and then putting a parking lot in, this residential neighborhood, which we already have a  
313 water problem on the corner of Grove and Meadow and I know everyone will do their due diligence when the  
314 time comes along, but now you are going to dump that water into that corner. The next thing would be what  
315 are they going to do with the house that they are not taking down at this time, this goes to site plan and the  
316 Planning Board and that is when they will decide? So for now the abandoned house will just sit there.  
317 Meadow Street will become the direct route for all delivery trucks. This says adult home. Is this assisted adult  
318 living? Is this 24 hour care? So there will be three shifts of caretakers coming and going from there. There  
319 will be people coming and going at 11:00pm. I know everyone works different shifts, but they will now be  
320 using Meadow Street at all hours, so these are concerns.

321 Ms. Borland: You mentioned that this would go to the Planning Board and they would make conditions at that  
322 time, but that does not necessarily make me feel comfortable that the conditions would be in that process.  
323 Could conditions be put on the variance?

324 Shari: Absolutely.

325 Ms. Borland: The concerns about traffic, noise and safety can be addressed will be through the variance  
326 process?

327 Anthony P: We have the public hearing so we can document all of the concerns, that is a big factor in how we  
328 begin our process.

329 Paul G: A big concern I hear is that you would like to hear some comment from the Planning Board. We have  
330 a choice to send this to the Planning Board; we may do that and keep the public hearing open so you can hear  
331 the discussions.

332 Ms. Borland: I have a letter for the file. (Somewhat inaudible) The parking lot may be an improvement but  
333 will be bleeding into the residential area and this would not be in keeping with the neighborhood. I would like  
334 to see addressed what is going to happen to the property of the house that is not being taken down. It would be  
335 good for the neighboring residents to know as far as their property values.

336 Mr. Terach: This may be my mistake. I thought if we left the house there it would be a better transition into  
337 the residential area. But the owner is definitely willing to take the house down.

338 Ms. Rosinski: Looking at the plan I assumed they would be using that for administrative offices.

339 Ms. Borland: I think it would be nice kept up but used. Not just an empty house that no one lives in.

340 Mr. Terach: It may serve everyone better to take it down and put in some trees and planting.

341 Ms. Rosinski: What is the height of the building in the code?

342 Shari: 35 ft.

343 Daniel Rosinski of 1 Meadow St: Has the Town Board been addressed about this at all?

344 Mrs. Rosinski: Does the Town Board come in on this?

345 Shari: It goes from Zoning to Planning.

346 Dan Rosinski: Would the Town Board be asked their opinion?

347 Paul G: We have a Town Board liaison who reports back to the Town Board.

348 Mike G: I would bring back the recommendations of the Zoning or Planning Boards.

349 Ms. Rosinski: If this variance is allowed, in two years from now they cannot fill this or want to turn it into  
350 something else, how difficult will that be?

351 Shari: It all depends on if it would stay adaptive reuse. In the CB zone multi-families are allowed with a  
352 special permit and that process would be through the Planning Board. They could not turn this over to  
353 anything other than another adult home without this process happening again, not the Zoning Board, with the  
354 Planning Board.

355 Paul Hansut, Town Supervisor: I would ask that you keep the public hearing open, I would recommend that  
356 we call a Tri-Board meeting with the Planning Board, Town Board and Zoning Board so this application could



357 be discussed in that setting. The Tri-Board meeting is open to the public. It is a time where all three boards  
358 meet to discuss a project such as this.

359 Ms. Rosinski: This is such a huge impact to a small area in the Hamlet.

360 Scott Saso, Chairman of the Planning Board; I know this will be coming to us but can I have a little head start.  
361 It was 36 beds and how many square feet?

362 Mr. Terach: 96% bigger.

363 Scott: And about 75% more beds. Just so I had some numbers in my head.

364 Paul: I would also recommend that the owner be present. We do have a lot of problems on a daily basis so we  
365 would like him to address this.

366 Mr. Pampinella: Have they ever expanded before and does that factor into the equation?

367 Shari: Yes, Anthony did the research. They had done an expansion of 900sf. and a 300sf addition but we did  
368 not take into consideration was the original first house that was there. With calculations going back and forth  
369 more calculations and details are still being worked out.

370 Mr. Terach: Since our meeting on Monday I went through the plans and backed out the previous additions and  
371 the net result is the addition represents a 96% increase in gross floor area. That is a real number. The  
372 basement area is undeveloped, the only use down there is a laundry room, and the rest is storage and basement  
373 due to the grade dropping off. If we built this on a slab and did not do the basement, that 96 becomes a 74%.  
374 In the same thinking if and we all know what that building looks like up there, if a basement were underneath  
375 that building up there we would be exactly at 50%. It does not come into play, gross floor area, just for your  
376 own knowledge what the 96% really looks like, that basement could move over here and we would be at 50%.

377 Shari: And they are allowed the 50%. The variance is above the 50%.

378 Paul H: May 6<sup>th</sup> is the first Wednesday of the month, which is the Town Board workshop meeting; we will  
379 look at that date for the Tri-Board meeting. We will put it on channel 22 and I am sure it will be on facebook  
380 somewhere which is a good source of information.

381 May 6<sup>th</sup> at 6:00pm is the date and time for the Tri Board meeting.

382 There were no additional comments.

383 A **Motion** was made to extend the public hearing by Tim Marion, seconded by Paul Gargiulo. All ayes.

384 Approval of Minutes postponed due to lack of quorum.

385 A **Motion** to adjourn was made by Anthony Pavese, seconded by Tim Marion. All ayes. 8:15pm