

TOWN OF WALLKILL ZONING BOARD OF APPEAL

MEETING MINUTES

JUNE 12, 2006

PRESENT: N. Guenste
E. Johnson
J. Mattatall, Chairperson
W. Morgan
E. Raffo
R. Sullivan
P. Thompson

R. Coffill, Esq.

MEETING OPENING:

The June 12, 2006 Meeting of the Town of Wallkill Zoning Board of Appeals opened with the pledge to the flag followed by the roll call and presentation of the May 8, 2006 Meeting Minutes.

The Motion was made to table the May meetings to July; Seconded; All in favor; Motion carried.

The following correspondence was addressed; Continuances held, Public Hearings were heard, discussed and voted upon as noted; and applications reviewed for the July 10, 2006 meeting and application continued.

VARIANCE EXTENSION REQUEST(S):

Mr. Mattatall: The following extension requests have been received:

RICHARD KRUSECK: Request for a six month extension on variances granted September 9, 2005.

Mr. Mattatall: This needs to be reviewed further. Motion made to extend request for the six month extension without penalty; Seconded; All in favor; Motion carried.

THOMAS J. & KATHRYN STAPLES: Request for a six month extension on variances granted on August 8, 2005 and extended 6 months on January 9, 2006: Request for variance of 249-22-D (side/rear yard setbacks): 1) side yard from 15ft to 12ft; 2) side yard from 15 to 14ft; 3) rear yard from 30ft to 11ft; for construction of a deck at property located at Eight Clark Street (52-4-6); R-1.

Mr. Mattatall: They had to settle other variances to get the permit for the deck which is the basis for the request for an extension.

Mr. Mattatall: Move to grant a six month extension; Seconded (Johnson); All in favor; Motion carried.

ELLIOTT & ROSE VOLASKI: Request for a six month extension on variances granted on November 14, 2005: Request for a variance of 249-8-A and 249-3: 1) accessory building closer to the front lot line than the principal building; 2) accessory building from 28x28ft to 12 x 38ft; for wooden storage building. Property located at 61 Boyd Road; SEC 60 BL 1 LOT 60.1; Designated RA.

Mr. Mattatall: The correspondence states they were unable to start work due to the winter months.

Mr. Mattatall: I Move to grant a six month extension; Seconded (Raffo); All in favor; Motion carried.

JAMES & DEBRA BEAMESDERFER: Request for a six month extension on variances granted on October 21, 2002 [variances granted to comply with Victor Erickson 5/9/02]:

Property located at 60 Shaw Road (24-1-55.4); Designated R2; Request for a variance for fence height, riding arena and barn: 1) fence height from 4ft to 5ft; 2) accessory building from 28x28 to 96x36; 3) accessory building from 28x28 200x80.

DECISION: Extension granted (10/21/2002), Extension granted (10/18/2004), Extension granted (4/11/2005), Extension granted (10/17/2005),

Extension granted (6/12/2006) subject to the following: subsequent requests must show due cause.

DISCUSSION:

Mr. Beamesderfer: You had some questions in order to grant a 6 month variance.

Ms Guenste: We granted only a 2 month extension and wanted to know more details on what we were voting.

Mr. Mattatall: This is your 3rd extension.

Mr. Beamesderfer: The original variance was in 2002, then the riding arena was done and the last piece from 2002 is for the actual barn that we want to build later this year.

Ms Guenste: They have been working on it.

Mr. Mattatall: We needed to know what we have given and because separate buildings they expire.

Mr. Beamesderfer: We needed approval for the whole project.

Mr. Mattatall: This is not unlike the Fairways project.

Mrs. Thompson: Do you have horses?

Mr. Beamesderfer: Yes.

Mrs. Thompson: The last thing is barn later this year?

Mr. Beamesderfer: Yes.

Mr. Mattatall: Do you plan to finish this year?

Mr. Beamesderfer: Yes.

Mr. Mattatall: If there are any additional requests for an extensions we may request additional information.

Mr. Mattatall: I Move to grant an extension of 6 months at 24-1-55.4 specific to complete barn subject to the following: subsequent requests must show due cause.; Seconded; All in favor; Motion carried.

Mrs. Thompson: Do we need to write you a letter?

Mr. Beamesderfer: No. One other matter, the work could involve another variance – as we go through the plans with the builder – in most horse barns have studio apartment in the barn. We were not planning but they said it was easier to do now than in the future.

Mr. Mattatall: You are in R2 zoning there. You are looking at care taker's apartment then?

Mr. Beamesderfer: Yes.

Mr. Mattatall: This would go to the Planning Board for special use.

Mr. Beamesderfer: With such a long phase building it was suggested if were thinking do it now.

Ms Guenste: Is it not built?

Mr. Beamesderfer: No.

Ms Guenste: This is the barn.

Mr. Mattatall: In R2 not more than one residence but can a 2 family.

Mrs. Thompson: You may have a problem when you go to build your own house.

R. Coffill, Esq.: They have to apply to the Planning Board and then they refer them back to here for interpretation or a variance – which might be a Use Variance, unless there is something specific in the Code relative to caretakers residence. It may not be in this zone but probably AG zone.

Ms Raffo: See the Planning Board first.

R. Coffill, Esq.: If the extent of the use is such that your operation will require someone other than yourself living on the premises that is important to present to allow the variance.

Mrs. Thompson: What about an office in the barn?

Mr. Beamesderfer: A tack room and that is for storage.

Mr. Mattatall: The same sort of utilities are probably in the barn also. It is part of the farm operation - you need power, water and septic.

Mr. Beamesderfer: We need it for the barn. We trying to not delay the project and ask question before making decision we will regret later.

CONTINUANCE (May 8, 2006)

MEL FERRER / BONEIM, LLC / JADA DEVELOPERS:

Request for a variance of 249-10-F:

1) (lot size)

2) Side yard

Property located on Daly Road

(SEC 64 BL 1 LOT 19.1)

Designated RA.

A. Lipman, Esq.: It would be better to hold over to August 14, 2006 at our request. There are no notice or violations, nothing urgent.

Mr. Mattatall: I Move to continue the Public Hearing in order to simplify the paperwork; Seconded.

DISCUSSION:

Ms Raffo: Regarding the Notice to the Public, we had a lot of people here, how will they know it will be held in August.

R. Coffill, Esq.: It is up to the Board's discretion. You made it clear it was continued to the next month. There are different levels on how you want to notice that. You can have another public hearing notice. It is your discretion how much activity is necessary. I don't know how much participation was at the last meeting.

Mr. Mattatall: Quite a bit. We can put another notice in the Times Herald Record.

Mrs. Thompson: Who will pay for it?

A. Lipman, Esq.: If you can give me addresses of those here last month and the 3 families will be in touch with. I will be very happy to send them a letter by mail, certified and it easier than publishing.

Ms Sullivan: What about the people who were notified the first time?

Mr. Mattatall: You have about a dozen people. You had some emotional issues and you should notify them all.

Mr. Mattatall: He will do the mailing it does not need to be published in the Times Herald Record.

Mr. Mattatall: Any questions from the Public?

Shawn Daily/ Mrs. Daily: We own across and down the hill from the area. My concern is that my well is near their proposed septic. The clearance is 3 inches. The soil are not right, the soil map did not match what was on the map and the retaining wall collapsed after they put it up. I don't want any problems and if water is contaminated who pays for my system. I am concerned bout that.

Mr. Mattatall: That is why we have these meetings to bring that out.

Public (2): It will be continued to when?

Mr. Mattatall: 2 months. You can go over things then.

Ms Guenste: Did you straighten out the soil types they were different on the map than on the application.

A. Lipman, Esq.: It will be made clear by the engineer who will testify.

Mr. Mattatall: I Move to Continue to August 14, 2006 at 7:30 pm; Seconded; All in favor; Motion carried.

MARK TOLEN: Request for a variance of 249-19 (1):
1) lot area from 3 acres to 1.8 acres;
2) road frontage from 50ft to 0.0 ft;
Property located at 131 Hill Road
(SEC 60 BL 1 LOT 73); Designated RA.

Mr. Tolen: I have certified copies requested. The deed has been rewritten on page 4 is the easement writing that states we have right of way for the property in/out of Hill Road. Also on the Town of Hamptonburg deed – easement for electric to go to the property. (copy shown to the attorney).

Mr. Mattatall: The issue is it is landlocked from the Town of Wallkill and even though it is family owned plots nothing that would let successor go through. We did not want to create a situation like an island.

A. Coffill, Esq.: The grantors presented to you here have right of access through.

Mr. Mattatall: We did not have the language.

Mr. Tolen: I have a copy of Hamptonburg one also. (filed copy for the record). The septic system – you should have a copy and Eustace & Horowitz has a set of additional things put on to it and on 6/7 it was sent by from the engineer. We are awaiting them to finalize and approve it for MJS Engineering. What they found was fine. You have a letter on that from them. Hopefully that takes care of everything?

Mr. Mattatall: The deed was corrected and the lot area is from 3 acres to 1.8 acres. It is simple now you can get to the property.

Mr. Mattatall: Any questions from the Public? (no)

Mr. Mattatall: Board? No

Mr. Mattatall: I Move to close the Public Hearing at 7:55pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance of 249-19-1: Area from 3 acres to 1.8 acres; Seconded.

DISCUSSION: (none)

VOTE:

In favor: (7) Johnson, Guenste, Sullivan, Raffo, Morgan, Thompson, Mattatall
Opposed: (0)

DECISION:

Mr. Mattatall: The variance is granted and is valid for six months.

PUBLIC HEARINGS: (7/10/2006)

GEORGETTE H. SAYERS /
TOM BROZYCKI:

Request for the following variances:

- 1) 249-3 (accessory building) from 28x28 to 36x26ft;
- 2) 249-8 (accessory building in front of primary residence;
For construction of a pole barn;
Property located at 79 Orchard Hill Road;
(SEC 14 BL 2 LOT 31.1); Designated R2.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:58 pm.

Mr. Mattatall: I Move to open the Public Hearing at 7:59 pm.

Mr. Mattatall: This is for an accessory building in front of primary residence.

Ms Sayers: We want to build a pole storage barn.

Mr. Mattatall: The plans show existing foundation?

Ms Sayers: No. nothing was there ever.

Mrs. Thompson: Not even a house? It is a wonderful place out there.

Mr. Mattatall: Any questions from the Public?

Public: Can I see where they are going to build it? (Showed them the map). It will not affect us.

Mr. Mattatall: Any comments from the Board?

Mrs. Thompson: I did get a call but told them they had 8 acres and they said 'alright'.

Ms Guenste: It will be brown to match the house.

Mr. Mattatall: I Move to close the Public Hearing at 8:02 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance: 1) accessory building from 28x28ft to 36 x 36ft and for it to be placed in front of primary residence; Seconded.

DISCUSSION (None)

VOTE:

In favor (aye) 7: Sullivan, Guenste, Johnson, Morgan, Thompson, Raffo, Mattatall
Opposed (nay) 0:

DECISION:

Mr. Mattatall: The variances are granted and valid for 6 months.

Mr. Mattatall: If you have not started work in the 6 months, send a request for an extension and note the Section, Block and Lot numbers please.

STEPHANIE L. FOX &
HENRY A. FAIRWEATHER:

Request for the following variance of 249-26-D(c):

- 1) front yard from 35ft to 7ft;
- 2) rear yard from 40ft to 14.8 ft.;
- 3) front yard from 35ft to 11ft 8 inches;
- 4) lot area from 20,000 sq/ft to 8,200 sq/ft;

For an existing garage and front porch;
Property located at Five California Avenue
(SEC 34 BL 5 LOT 8); Designated HC.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:04 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:05 pm.

A. Fusco, Fusco Engineering. We are looking at older house that has garage and front porch that don't meet current zoning. The clients purchased the property and money in escrow from when prior owner did the work. The garage has been built or added on so long ago not sure when it was done but it has true lumber. For about 20-30 years. The applicant is looking to retain the garage where he keeps his boat and keep the yard nice and keep tools inside. They purchased it for the garage. Not having a CO they want to refinance and the bank is looking for the CO. Do you have any questions?

Mrs. Thompson: Why isn't the pool on the map?

Mr. Fusco: It was encroaching on the setbacks and they are looking to take it down and they have no use for it and not interested in the pool and also a shed that is not shown and it is going to be taken down.

Mrs. Thompson: This is the kind of information we need.

Mr. Fusco: We left them off because we hoped to take them down before this meeting.

Mrs. Thompson: Please ask him to put them on the map.

Mr. Fusco: Yes.

Mr. Mattatall: The proposed request is 35 yards to .7 feet on the front yard. Please convert them to feet, please.

Mr. Fusco, Jr.: The lot line is set back from edge of pavement. You are 17 feet from the edge of pavement.

Ms Guenste: I am confused. The front yard setback is 35 feet? I see 40 feet.

R Coffill, Esq.: It is a corner lot.

Mr. Fusco: The side is .7 and the road is 17.5 feet. The door is right there – California.

Mr. Mattatall: The applicant understand what will happen if they decide to widen the road there.

Mr. Fusco: Yes.

Mr. Mattatall: Are there questions from the Board?

Ms Guenste: They maintain it well and it is nice.

Mr. Fusco: The .7 foot is a scary number.

Mr. Mattatall: Any questions from the Public? (no)

Mr. Mattatall: I Move to close the Public Hearing at 8:12 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the variance of 249-26-D(c): 1) front yard from 35ft to 7ft; 2) rear yard from 40ft to 14.8 ft; 3) front yard from 35ft to 11 ft 8 inches; 4) lot area from 20,000 sq/ft to 8,200 sq/ft; subject to the following:

1) pool and shed be removed within 3 months; Seconded.

DISCUSSION:

Ms Guenste: The rear is 14.8 not 15ft on the map.

VOTE:

In favor (aye) 7: Guenste, Sullivan, Johnson, Morgan, Raffo, Thompson, Mattatall
Opposed (nay) 0:

DECISION:

Mr. Mattatall: The variances are granted subject to the condition that the pool and shed be removed in the time frame or the variances are withdrawn.

KATHRYN & THOMAS STAPLES Request for the following variance of 249-22(D)(a):
1) lot width from 80ft to 50ft;
2) rear yard from 30ft to 26ft;
3) 2 side yards from 30ft to 22ft;
4) lot area from 12,500 sq/ft to 5,000 sq/ft
5) side yard from 15ft to 14ft;
For construction of a deck on a 2 family residence;
Property located at Eight Clark Street
(SEC 52 BL 4 LOT 6); Designated R-1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:18 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:19 pm.

Mrs. Staples: we bought as mother/daughter house and when we went for a deck permit we were told it had to be legal before we could get it. We were told there was no such thing as a mother/daughter.

Mrs. Thompson: You told us last month that all the sudden it had a kitchen.

Mrs. Staples: It was there from day one. We got stuck with the legalities.

R. Coffill, Esq: Is it allowable in R-1?

Mrs. Staples: I have to go before the Planning Board next. I went there first and they sent me here. It deals with the lot size.

Mr. Mattatall: They can give special use permit for 2 family. You need variance for everything. Lot area, size, set backs, etc.

Mrs. Staples: We got variance for the deck. I got an extension for the proposed deck earlier tonight (6/12).

Ms Raffo: You had 38 in the front so you don't need it.

R. Coffill, Esq.: Is if from the frame or the front porch.

Mrs. Staples: We are not allowed to back out into the street.

Mr. Morgan: The side yard is from 15 to 8ft and 15 to 14ft.

Mr. Mattatall: Some of this was dealt with the deck.

R. Coffill, Esq.: It shows rear and 2 side yards. There are 4 variances required? Lot depth is met.

Mr. Mattatall: This will include previous variances instead of breaking them out. This is controlling date and go forward from here. There are quite a few houses build over the years in a similar situation.

Mr. Mattatall: Any questions from the Public? (no)

Mr. Mattatall: Any comments from the Board? (no)

Mr. Mattatall: I Move to close the Public Hearing at 8:29 pm.; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances:

- 1) lot width 80 to 50ft; 2) rear yard set back from 30 to 26ft; 3) 2 side yards 30 to 22ft; 4) area 12,500 sq/ ft 5,000; 5) 1 side from 15 to 14ft;

Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye) 7: Guenste, Sullivan, Johnson, Morgan, Thompson, Raffo, Mattatall
Opposed (nay) 0:

DECISION:

Mr. Mattatall: The variances are granted and valid for 6 months. If you have no started work within that time request an extension and include the Section/Block and Lot numbers. We understand that you are working with the planning board.

HEARING REVIEWS (7/10/2006)

HILL

Ms Hill: We are requesting an enlargement of our deck. When we bought the town house it was smaller. I would like to do it 12x12.

Mr. Mattatall: The original decks are about the size of a desk.

Ms Hill: You can hardly move around on them.

Mr. Mattatall: You have to maintain the 3 foot on the side. 9 on one side and 3 on one side. Are you on the side that goes down?

Ms Hill: Yes.

Mr. Morgan: Where is Myer **Mayer** Drive?

Ms Hill: Past East Main.

Ms Guenste: Is it bigger than what has been requested before? We have people for the same town houses if we an have a uniform size and they would be the same.

Mr. Mattatall: You also have the storm easement there too.

Mr. Mattatall: I Move to hold a Public Hearing on July 10, 2006 at 7:30 pm or as soon there after as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Mattatall: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

Ms Hill: if you can't be here what happens?

Mr. Mattatall: If you can't have some one else and bring the mailings and if you absolutely can't be here notify the Building Department as it is possible to post pone it.

C&B SUBS:

Mr. Mattatall: You need a sign variance.

Applicant: We can only have 6 sq/ft feet and need 19.5 sq/ft sign. The others have taken up the space.

Mr. Mattatall: They have taken up most of the aggregate space?

Applicant: Yes, it is the size (information with application) – 8ft 8” by 2ft or a total of 19.

Mr. Mattatall: I Move to hold a Public Hearing on July 10, 2006 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Mattatall: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record’s Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

TRAVIS WOOD:

Mr. Mattatall: What is your application for?

Applicant: I would like to put up a 30x40pole barn.

Mr. Mattatall: Taking down existing garage and replacing it with this and further away than existing garage?

Applicant: Yes.

Mr. Mattatall: I need it because it is larger than 28 x 28 feet.

Mr.Mattatall: I Move to hold a Public Hearing on July 10, 2006 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Mattatall: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record’s Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

ARNOLD SILVER:

Jay Mirro, Esq. for Mr. Silver: This is a lot that use to have mobile home on it back in 1965 and want a single family dwelling. It is a long thin lot and variances are: 1 side yard 30ft ; 2 side yards 59-60 feet; lot width is 150. we need 3 variances to build a dwelling and seeking area variances for those 3 items. There is some debris, remains of mobile home, old shed, barbeque pit and essentially cleaning up the lot.

Mrs. Thompson: Is it the same lot they tried to do something back in 1997?

Mr. Silver: Mr. ~~Bourchard~~? **Witschard**? I did not know it had been before the town before.

Mr. Mattatall: Last time it was occupied was how long ago?

J. Mirro, Esq.: The only thing tax shows home built in 1965 and remains of where it was on the front of the lot; not sure when it went out of service and not ideas to that. Part would be cleaning the place up.

Mrs. Thompson: Are you Mr. Bouchart?

Mr. Silver; take down maybe 2-3 years ago not 100 per cent sure.

Mr. Mattatall: The lines on the proposed map?

J. Mirro, Esq.: The property lines will not change.

Mr. Mattatall; Unfortunately it is similar to the soils boundary.

Ms Guenste: You are buying it?

Mr. Silver: We are in contract not contingent on result from here.

J. Mirro, Esq.: We have plan with the engineer. The perks are good and information is on 2nd page.

Ms Guenste: Can we get back there or do we go by foot?

Mr. Silver: By foot.

J Mirro, Esq.: Will the public haring notice give dimensions or just list area, width – we may change one of these and would not result in greater variance as they may want to put in a driveway and would not affect both side yards.

Mr. Mattatall; It will go in as you have requested here.

Mrs. Thompson: We need a map with the changes.

Ms Guenste: Can you put on markers so we can find it. There must be a half dead driveway there from before.

Mr. Silver: There are markers there now I think.

Mr. Mattatall: I Move to hold a Public Hearing on July 10, 2006 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Mattatall: It is necessary to notify everyone within 1,000 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

MORALES:

Mr. Matatall: Do you have a better map than this. Do you own this?

Mr. Morales; Yes. No survey done before.

Mr. Mattatall: How big is the deck?

Mr. Morales: 12 x 14 ft.

Ms Guenste: It says 120 feet in the back – something is wrong. Does that say 120 feet but rear yard is 20 to 10 feet?

Ms Raffo: That is a side yard not rear yard.

Mr. Mattatall: You can disregard accessory building marked there now. And no deck there now. Did you submit plans to the building inspector.

Mr. Morales: Yes.

Mr. Mattatall: Who is building it?

Mr. Morales: Landscaping company.

Ms. Guenste: Why do they need a variance?

R. Coffill, Esq.: It says it is 210 feet deep.

Ms. Raffo: Who told you to come for a variance?

Mr. Morales: The building department.

R. Coffill, Esq.: Does the issuance of a building permit necessitate the variance request. If you have non –conforming house and put in deck inside the envelope you would not normally require a variance.

Mr. Mattatall: I want to check the variance.

Mrs. Thompson: Did you measure it correctly?

R. Coffill, Esq.: It is 200 feet deep?

Mr. Morales: Someone else measured it.

R. Coffill, Esq.: A deed with a description would help.

Mr. Mattatall: We do need a map / survey plot plan to go ahead. Can we have that before next month?

Mr. Morales: Yes.

Ms Guenste: He may not need a deck at all.

R. Coffill, Esq.: If it is within the bounds of the house he may not need a variance. Before he goes to expense of survey, asking the 'why' should be done.

Mr. Mattatall: I can take that up with the Building Department.

Mrs. Thompson: I will not publish it then.

Mr. Mattatall: I will contact you before the end of the week on how to proceed. If you bought it about 2 years ago you did not get a survey map.

Mr. Morales: No.

Mrs. Thompson: I'll know by the end of the week if I need to publish it.

TIMELY SIGNS:

Mr. Mattatall: Is this replacing?

Ozzie Belchert: It is in addition to. Additional sign boxes to what is there.

Mr. Mattatall: We are not replacing but permission to put more boxes on the pole.

Ozzie Belchert: They are going underneath.

Mrs. Thompson: We had another request from you that we turned over the Building Department. It was mis-addressed to the ZBA.

Ozzie Belchert: Thank you.

Ms Guenste: Why TOW logo on the sign?

Ozzie Belchert: The planning board made them put it on there.

Mr. Mattatall: No one knows who owns that logo.

Ms Guenste: Changing signs?

Ozzie Belchert: Charlie brown is moving down.

Ms Guenste: Same as Lazy Boy is now. How far from ground will bottom one be?

Mr. Mattatall: You have something on the schematic of a human figure.

Mr. Belchert: About nine (9) feet.

Mr. Mattatall: Existing poles are 35 feet high.

Mr. Mattatall: I Move to hold a Public Hearing on July 10, 2006 at 7:30 pm or as soon thereafter as the mater can be heard; Seconded; All in favor; Motion carried.

Mr. Mattatall: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

Mr. Belchert: The secretary will put the notice in the paper do I automatically get the tax map with names>

Mr. Mattatall: Stop by the tax office.

BOWIE:

Mr. Mattatall: This is an area variance without any set backs? Within the setbacks.

John Noseff, Roger Ferris Engineering: Yes in side and rear and also the front yard. Just lot area and width from 100 to 80 feet. This is pre existing with central services right on Commonwealth Avenue.

Mr. Mattatall: Anything on the lot now?

John Noseff: I have not been out there so I actually know. There is an existing fence. Definitely no building.

Mr. Mattatall: Is this a sale contingent on getting variance?

John Noseff: I don't know.

Ms Guenste: Someone bought it in February and want to sell it to someone else?

Mr. Noseff: Yes.

Mr. Mattatall: I Move to hold a Public Hearing on July 10, 2006 at 7:30 pm or as soon there after as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Mattatall: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

MARY JO LEVIN:

Ms Guenste: Where is it?

Ms Levin: Go thru tunnel and stay on Cottage and come all the way around and it turns into this. Most of the house sits within the 35 feet and want to put another entrance with step and porch on south side and need to get it approved.

Mr. Mattatall: Where on the drawing are you?

Ms Levin: The house now is 14 feet to Bisch Road.

Mr. Mattatall: This sits on an angle.

Ms Guenste: The door is just on the side?

Mr. Mattatall: Yes, it will extend it a couple of feet beyond the existing.

Mr. Mattatall: Any questions from the Board? (no)

Ms Guenste: Is there a number on the house?

Ms Levin: Yes.

Mr. Mattatall: I Move to hold a Public Hearing on July 10, 2006 at 7:30 pm or as soon there after as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Mattatall: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

LYNCH:

Mr. Mattatall: We did not receive this yet, however.

Mrs. Thompson: I apologize for the slight delay.

Mr. Mattatall: you want to expand existing deck.

Ms Lynch: I need a variance for side number of feet – easement?

Mr. Mattatall: Side yard variance. How wide off side of house?

Ms Lynch: 4 feet and need it to clean from the outside not for furniture or as a deck.

Mr. Mattatall: Sliding windows.

Ms Guenste: Do you have any pools?

Ms Lynch: I do have 2 sheds one is fine and one is too large. They are along the other side. The one not in compliance is for a shell shack and will not be there when my aunt is no longer here.

Mr. Mattatall: The purpose is for the deck.

Mr. Mattatall: Any questions from the Board? (no)

Mr. Mattatall: I Move to hold a Public Hearing on July 10, 2006 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Mattatall: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

PUBLIC HEARING (Cont'd.)

FRANK ROSSI:

Request for the following variance:

- 1) 249-28 D-3 (a)(b) landscape buffer from 50ft to 10ft;
Property located at 390 Silver Lake Scotch Road
(SEC 40 BL 1 LOT 15.221); Designated PID.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 9:35pm.

Mr. Mattatall: I Move to open the Public Hearing at 9:36pm.

Mr. Yanosh: We were here a year ago on 7/11/05 for variance along the road and there is a single story building on the property and a 50 foot set back and it is surrounded by roads and due to my fault, the 6 month time has elapsed and we need to reapply. We are on the Planning Board Agenda and have submitted information to landscape architect and hope to have it next week.

Mr. Mattatall: Any changes to the previously submitted application?

Mr. Yanosh: No it was held due to drainage study.

Ms Guenste: Is the curb outside the property?

Mr. Yanosh: Yes even in the highway.

Ms Guenste: How can you have your landscape outside your area?

Mr. Yanosh: Everyone does.

Ms Guenste: The big oak tree on the boarder?

Mr. Yanosh: Both of the trees have to go....no they will stay (looked at the drawing).

Mr. Yanosh: The landscape is 249-48-D3 (a)(b) is landscaping.

Ms Guenste: The change is for the retention ponds?

Mr. Mattatall: Yes.

Ms Guenste: It is a Town road, do we need to check on that?

Mr. Yanosh: We are going to put in a 'T' turn around, clean it up and improve our side.

Mr. Mattatall: I Move to close the Public Hearing at 9:42 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances: Grant the following: 249-28 D-3 (a)(b) landscape buffer from 50ft to 10ft; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 7: Sullivan, Johnson, Guenste, Morgan, Raffo, Thompson, Mattatall
Opposed (nay) 0:

DECISION:

Mr. Mattatall: The variances are granted and valid for 6 months.

MEETING CLOSE:

Mr. Mattatall: There being no further items to be presented to the Board, I Move to close the meeting at 9:45 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL ZONING BOARD OF APPEAL

JUNE 12, 2006

DECISION SHEET

MARK TOLEN:

Request for a variance of 249-19 (1):
3) lot area from 3 acres to 1.8 acres;
4) road frontage from 50ft to 0.0 ft;
Property located at 131 Hill Road
(SEC 60 BL 1 LOT 73); Designated RA.

DECISION: Variances granted.

MEL FERRER / BONEIM, LLC /
JADA DEVELOPERS

Continued to August 14, 2006
As requested by applicant. Applicant to notify by mail
versus published notice.

FRANK ROSSI:

Request for the following variance:
2) 249-28 D-3 (a)(b) landscape buffer from 50ft to 10ft;
Property located at 390 Silver Lake Scotch Road
(SEC 40 BL 1 LOT 15.221); Designated PID.

DECISION: Variance granted.

GEORGETTE H. SAYERS /
TOM BROZYCKI:

Request for the following variances:
3) 249-3 (accessory building) from 28x28 to 36x26ft;
4) 249-8 (accessory building in front of primary residence;
For construction of a pole barn;
Property located at 79 Orchard Hill Road;
(SEC 14 BL 2 LOT 31.1); Designated R2.

DECISION: Variances granted.

STEPHANIE L. FOX &
HENRY A. FAIRWEATHER:

Request for the following variance of 249-26-D(c):

- 5) front yard from 35ft to 7ft;
- 6) rear yard from 40ft to 14.8 ft.;
- 7) front yard from 35ft to 11ft 8 inches;
- 8) lot area from 20,000 sq/ft to 8,200 sq/ft;

For an existing garage and front porch;
Property located at Five California Avenue
(SEC 34 BL 5 LOT 8); Designated HC.

DECISION: Variances approved subject to the following:

Removal of the existing pool and shed within three
(3) months.

KATHRYN & THOMAS STAPLES

Request for the following variance of 249-22(D)(a):

- 6) lot width from 80ft to 50ft;
- 7) rear yard from 30ft to 26ft;
- 8) 2 side yards from 30ft to 22ft;
- 9) lot area from 12,500 sq/ft to 5,000 sq/ft
- 10) side yard from 15ft to 14ft;

For construction of a deck on a 2 family residence;
Property located at Eight Clark Street
(SEC 52 BL 4 LOT 6); Designated R-1.

DECISION: Variances granted.

EXTENSION REQUEST: (6 Month)

THOMAS J. & KATHRYN STAPLES:

Request for a six month extension on variances granted on August 8, 2005 and extended 6 months on January 9, 2006:

Request for variance of 249-22-D (side/rear yard setbacks):

- 1) side yard from 15ft to 12ft;
 - 2) side yard from 15 to 14ft;
 - 3) rear yard from 30ft to 11ft;
- for construction of a deck at property located at Eight Clark Street (52-4-6); R-1.

DECISION: 6-month extension granted.

RICHARD KRUSECK:

Request for a six month extension on variances granted September 9, 2005.

Request extended to July 10, 2006 Meeting for review without penalty.

ELLIOTT & ROSE VOLASKI:

Request for a six month extension on variances granted on November 14, 2005:

Request for a variance of 249-8-A and 249-3

1) accessory building closer to the front lot line than the principal building;

2) accessory building from 28x28ft to 12 x 38ft; for wooden storage building.

Property located at 61 Boyd Road

SEC 60 BL 1 LOT 60.11

Designated RA

DECISION: 6-month extension granted.

JAMES & DEBRA BEAMESDERFER:

Request for a six month extension on variances granted on October 21, 2002 [variances granted to comply with Victor Erickson 5/9/02]:

Property located at 60 Shaw Road (24-1-55.4); Designated R2.

Request for a variance for fence height, riding arena and barn:

1) fence height from 4ft to 5ft;

2) accessory building from 28x28 to 96x36;

3) accessory building from 28x28 200x80.

DECISION: Extension granted (10/21/2002)

DECISION: Extension granted (10/18/2004)

DECISION: Extension granted (4/11/2005)

DECISION: Extension granted (10/17/2005)

DECISION: Extension granted (6/12/2006) subject to the following: subsequent requests must show due cause.