

TOWN OF WALLKILL ZONING BOARD OF APPEAL

MEETING MINUTES

JULY 10, 2006

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

J. Owen, Esq.

MEETING OPENING:

The July 10, 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 accept to May 8, 2006 Minutes as written; Seconded by SULLIVAN; All in favor; Motion carried.

The Motion was made to accept the June 12, 2006 Meeting Minutes as corrected:

Pg. 15 Para 7 ...Mayer Drive

Pg. 16 Para 14 ...Witschard

DECISION: Staples extension on the deck and for the house

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 August 14, 2006 meeting and application continued.

VARIANCE EXTENSION REQUEST(S):

WAL-MART:

Mr. Mattatall: The following request has been received for a six month extension on variances granted on 9/12/2005 and extended 2/12/2006:

Request for a variance of 249-8A(5): Accessory building in front of the primary building for the installation of filling station pumps; Property located at 300 No. Galleria Drive (78-2-5.12); Designated MI.

J. Mattatall: I Move to grant a six (6) month extension; Seconded.

DISCUSSION:

Mr. Mattatall: The letter states that they are still working with the Planning Board.

VOTE: In favor (aye): 7
Opposed (nay): 0

DECISION:

Mr. Mattatall: The six month variance has been granted.

RICHARD KROSECK:

Mr. Mattatall: The following request was received for an extension of variances granted on 9/12/05 and extended on 1/9/2006:

Request for a variance of 249-19-D: 1) rear yard from 70ft to53ft for construction of a 26 x 32ft addition; Property located at 234 Ridge Road (32-1-44.1); Designated RA.

Mr. Mattatall: I Move to grant a six month extension; Seconded.

DISCUSSIN: (None)

VOTE: In favor (aye): 7
Opposed (nay): 0

DECISION:

Mr. Mattatall: The six month variance extension has been granted.

PUBLIC HEARINGS:

ARNOLD SILVER: Request for a variance of 249-19-(d)(1):
1) lot width from 200ft to 100ft;
2) side yard set back from 40ft to 33ft;
3) side yard set back from 60ft to 26ft;
4) 2 side yards from 100ft to 59ft;
Variance of 249-19(d)(2):
5) area from 2 acres to 1.78 acres;
Property located at 282 Derby Road
(SEC 21 BL 1 LOT 10);
Designated RA.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:44 pm.

Mr. Mattatall: I Move to open the Public Hearing at 7:45 pm.

Jay Mirro, Esq. with Mr. Silver. I have revised maps to give you today. The area variances are for the lot on Derby Road. It is a lot that existed in separate ownership as far back as 1964. The plot plan we just submitted shows the location of single family dwelling being proposed and is in RA Zone. We need 3 area variances: 1) area from 2 acres to 1.78 acres; 2) width 200 to 100ft; 3) side yard 40 to 33ft and 60 ft to 26ft.

Mr. Mattatall: Did you decrease the size?

J. Mirro, Esq.: We moved it to accommodate an entry from the side. Slid the building to the east.

Mr. Silver: From 29 to 33 ft and other 30 ft to 26ft.

J. Mirro, Esq.: 1.4 acres and we exceed it but don't meet zone in RA. Did you all see the site and the ribbons?

Ms Guenste: Yes.

Mr. Silver: There was a mobile home on this and an existing well and septic and is a lot that can support a single family home. I took the tax map and showed the ones with 100 feet width in 2-3 mile radius. It is not uncharacteristic. (forwarded copy to the Board).

Mrs. Thompson: Was the mobile home removed?

Mr. Silver: Yes.

Mrs. Thompson: How come there is one there?

Ms Guenste: There is one there – something there.

Mr. Silver: Remains – dilapidated structure. I put the house on the back and met with the neighbor Mr. Capazillo and he was concerned and worked with him to put it back there and the

drive furthest away from him – basically to make the neighbor hood and makes everyone happier.

Mrs. Thompson: Are you putting it in the back so you don't have to straighten the front?

Mr. Silver: I plan to clean up the whole place and it is a good spot for the house as well.

J. Mirro, Esq.: It can be a condition that mobile home remains being removed and property cleaned up – no problem.

Ms Guenste: The law sewer/water you have to have to pay to have to bring it to the house. Why was it taken off the drawings? It was there before I am pretty sure.

Mr. Mattatall: General Note #6 on the first page.

Mr. Silver: You granted a variance on Drake Road and was similar and there was a dilapidated mobile home and cleaned it up and put in a new home and looking to do the same thing here as well.

Ms Guenste: It seems it slopes down - how has it been there after all the rain.

Mr. Silver: Slopes down toward middle and then rises up.

Ms Guenste: We have to look to have debris removed – there is an old oil tank on the right hand side.

Mrs. Thompson: I remember Mr. Witschard being here with problem with trailers in 1997 and they are still there and have a problem getting variance for a place covered with junk.

J. Mirro, Esq.: No CO until it is cleaned up of the debris - can be a condition.

Ms. Guenste: You say it slopes up the topo show it sloping down. The one spot it is 664 and then drops down to where...

Mr. Silver: ...

Ms Guenste: I find it interesting you would build that far back.

Mr. Silver: The perk was very nice and the low part in the middle and from the road it slopes down and up from the middle.

Ms Guenste: When was the perk test done?

J. Mirro, Esq.: The perks are very good – not close to margin.

Ms Guenste: They were done when it was very dry.

Mr. Matatall: In March.

Mrs. Thompson: Are you going to live in this house?

Mr. Silver: No.

J. Mirro, Esq.: We will make sure there is full disclosure.

Mr. Mattatall: Are there any questions from the Board? (no)

Mr. Mattatall: Any questions from the Public?

Ted Capalloli: He came to the house and asked me about house there. I have no problem as long as it is set back and putting addition on mine and don't want to look out and see him. The property is a mess and nice to have it cleaned up; it is a plus for it. No problem as long as I don't have to look out and see the house. Not area between the 2 properties; if set back it is fine. I have seen the plans. I want to keep the tree line. He came and asked me before he went and did it. I am afraid someone would come.

Public 2: Like to see where the septic is going? (J. Mirro, Esq. showed him on the map).

The thing I question is the piece I have goes around another house here 6.6 acres and not sure what will happen if the house is back here - will it devalue my property? This is wet here (drawing) and it runs in to the pond back here. Originally it was a low spot and hard to tell what has been dumped there.

Mr. Mattatall: Do you have a house there?

Public 2: No. It is one piece and I cut hay and it borders us here (drawing) and back here it is wet. I understand why it is way back.

Mr. Mattatall: I don't know what the assessment is there. Town Assessor could tell you more.

Public 2: If I divide the 3 parcels with pond here and septic here – may not be able to physically put a well in. I have to think about it and don't want to really sell it and that bothers me in the Town we keep taking open space.

Mrs. Thompson: Did you think about buying it?

Public 2: The price is probably outrageous. I do not need more property but by the same token it is a narrow lot. I am still looking...

Mrs. Thompson: ...I understand what you are saying.

Public 2: The Town keeps saying open space – this piece of property if put new mobile home in a year it would have been useable.

Mr. Mattatall: Any further comments from the Board?

Ms. Guenste: The one thing I know is the tree line – that is one of my gripes – people tear down every tree down until you get to where they build. How can we put something in about the tree line?

J. Owen, Esq.: You can make it a condition if he is willing to go along with it.

J. Mirro, Esq.: I will agree to not remove any trees but those necessary to build on the property. Happy to leave the tree line and substantial growth that don't interrupt the building.

Ms Raffo: What you have to take out you have to take out.

Mr. Mattatall: It is difficult for us to select which trees.

Mrs. Sullivan: That along with the clean up of the lot.

Mr. Mattatall: Removal of trees ad determined by the building inspector.

Mr. Silver: I am not going to go in and take every tree down. I understand that.

J. Owen, Esq.: And say the tree lines will be preserved.

Mr. Mattatall: I Move to close the Public Hearing at 8:05 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances: 1) lot width from 200ft to 100ft; 2) side yard from 40ft to 33ft; 3) side yard from 60ft to 26ft; 4) 2 side yards from 100ft to 59ft; 5) area from 2 acres to 1.78 acres; subject to the following: The CO not be issued until the debris is cleared; the removal of trees only necessary for the construction and that the tree lines be preserved; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye): 6	Raffo, Morgan, Sullivan, Guenste, Thompson, Mattatall
Opposed (nay): 1	Johnson

DECISION:

Mr. Mattatall: The variances are granted subject as noted please see the building department..

Mr. Mattatall: We have heard only great things about the other lot you developed.

Mr. Silver: Yes 8 loads.

C&B SUBS, II, LLC.

Request for a variance of 249-11(n)(1)(a)(2) – Sign:
To permit a 19 sq/ft sign attached to the Wal-Mart
building;
Property located at 475 Rt 211 East
(SEC 50 BL 2 LOT 63);
Designated HC.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:07 pm.

Mr. Mattatall: I Move to open at 8:08 pm. Tell us what you are seeking.

Dominick Raponi: A sign for Subway on the Wal-Mart building.

Mr. Mattatall: Will it be exactly as pictured and as located?

Dominick Raponi: Yes.

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

Mrs. Sullivan: What about the sign?

Dominick Raponi: They are 19 sq/ft and Wal-Mart's is a small size and balance it out. They used up remaining signage on the building.

Mr. Mattatall: This is straight forward. Are there any questions from the Public? (no)

Mr. Mattatall: I Move to close the Public Hearing at 8:10pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance of 249-11(n)(1)(a)(2) for a sign subject to the sign being made as pictured in the photo/drawings submitted with the application dated 5/23/2006; Seconded.

DISCUSSION:

(None)

VOTE:

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

DECISION:

Mr. Mattatall: The variance is granted with the notations. Please see the Building Department.

OZZIE BEKHART /

TIMELY SIGNS (Janet Barberio): Request for a variance of 249-11(n)(2)(a):
maximum square footage of a sign:
To permit a sign from the 250 sq/ft to 400sq/ft;
Property located on 169 Dunning Road
(SEC 53 BL 5 LOT 2);
Designated HC.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:11 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:12 pm.

Timely Signs: Originally the Planning Board approved the development in the Fall in 1996 and they were completing site plan and landscaping. It was pulled in June 1997. The building department has a 400 sq/ft sign and they are now that they are finishing their development, would like to add enough signs to accommodate the tenants. They are off the highway and it lets people know where they are in the Walkill Town Centre.

Mr. Mattatall: You are adding signs to the existing support – continuing on down?

Timely Signs: Yes.

Mr. Mattatall: Any additional (signs) to be added?

Timely Signs: The additional tenant is part of this application.

Mr. Mattatall: This allows for all tenants.

Ms Guenste: Are these the colors?

Timely Signs: Those are the colors of their logo.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 8:15pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance: to allow sign square footage from 250 sq/ft to 400sq/ft; Seconded.

DISCUSSION:

(None)

VOTE:

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

DECISION:

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

VIRGINIA L. LYNCH:

Request for a variance of 249-20-D(1): side yard:
Side yard from 20ft to 14ft;
Property located at 10 Bonnie Brae Drive
(SEC 80 BL 3 LOT 12);
Designated R2.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:16 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:17 pm.

Ms Lynch: We want to extend the existing deck and wrap around 4 feet and it is less than what is allowed.

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

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

Mr. Mattatall: This is a pretty straightforward request.

Mr. Mattatall: I Move to close the Public Hearing at 8:19 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance: side yard from 20ft to 14ft for the construction of a deck; Seconded.

DISCUSSION:

(None)

VOTE:

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

Opposed (nay) 0:

DECISION:

Mr. Mattatall: The variance is granted, see the Building Department. Remember the variance is good for only 6 months. If you need an extension, submit your request in writing before the expiration date.

JOAQUIN MORALES: Continued to August 14, 2006.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:20 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:21 pm.

Mr. Mattatall: At the last meeting we requested a better map do you have one?

Mr. Morales: I have this for you (presented).

Mr. Mattatall: You wish to put on a deck?

Mr. Morales: Yes.

Mr. Mattatall: Do you have a contractor?

Mr. Morales: Yes.

Mr. Mattatall: What we need to have on this is this type of a map...at this point we need your contractor to give us the dimensions of where it is with respect to the location of your house and you need a map from an engineer or surveyor. There are no numbers on this and is needed by the Town. You in a residential area and it will show where you are in relation to your neighbors. The surveyor's map will show where they are going to put the deck and measure distances to your property line. We want to make sure you fully understand what you need. We will postpone to August 14, 2006.

Can you come to the Building Department with someone before the meeting and we will let them know you are coming in, to go over this?

Mr. Mattatall: Are there any questions from the Public? (no)

Mr. Mattatall: I Move to continue the Public Hearing to August 14, 2006; Seconded; All in favor; Motion carried.

Mr. Mattatall: We will see you next month. (Ms Guenste provided a list of items to present to the Building Department when he comes in).

TRAVIS R. WOOD:

Request for a variance of 249-3 (accessory building size):

1) from 28x28ft to 30 x 40ft for storage of personal items.

Property located at 38-40 Vanburenville Road;

(SEC 22 BL 3 LOT 17);

Designated R2.

Mr. Wood: The Town Assessor said the post master could sign the sheets?

Mr. Mattatall; Yes.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:29 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:30 pm.

Mr. Wood: I would like a 30 x 40 foot garage to store 2 vehicles (truck and car), 4 wheelers, snow mobiles and the garage is about to fall over and is inadequate.

Mr. Mattatall: I did see the property.

Mr. Mattatall: Any questions form the Board? (No)

Mr. Mattatall: How far is it from the line?

Mr. Wood: Where the farthest garage bay is. Move it over 15 feet.

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

Mr. Mattatall: I Move to close the Public Hearing at 8:31 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance: 1) accessory building from 28x28 to 30 x 40ft; Seconded.

DISCUSSION: (None)

VOTE:

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

Opposed (Nay) 0:

DECISION:

Mr. Mattatall: The variance is granted and valid for 6 months.

Mr. Wood: How long does it take for the Town to get it?

Mr. Mattatall: By the end of the week.

MARY JO LEVINS: Request for a variance of 249-20(d)(1) side yard setback:
1) 35ft to 12ft to permit an entrance on the south side of the house;
Property located at 43 Birch Road
(SEC 40 BL 1 LOT 29);
Designated R2.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:33 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:34 pm.

Ms Levins: I want to add an additional entrance on south side of the house. It sits close to the road so when I add it - it is within 35 feet of the bounds.

Mr. Mattatall: Any questions from the Board?

Mr. Morgan: It's where the window is?

Ms Levins: The window is going away.

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

Mr. Mattatall: I Move to close the Public Hearing at 8:36 pm; Seconded; All in favor; Motion carried.

Mrs. Levins: he said 17 feet and last time 12 feet that is where the stair line, currently 14 feet from the road and a couple of steps into that which is 12 feet.

Mr. Mattatall: The front yard is not 17 feet but a 12 foot set back so from 35 feet to 12 feet.

Ms Guenste: That will be enough?

Ms Levins: Yes. There miscommunication between me and Patrick.

Mr. Mattatall: I move to grant the following variance: side yard from 35ft to 12ft; Seconded.

DISCUSSION:

(None)

VOTE:

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

DECISION:

Mr. Mattatall: The variance is granted. See the Building Department.

PATRICK A. BOWIE: Not present.

DYANNE HILL

Request for a variance of 249-22-D(a):
Side yard set backs:
1) side yard from 20ft to 3ft;
2) side yard set back from 20ft to 9ft;
Property located at 39 Mayer Drive
(SEC 76 BL 8 LOT 43);
Designated R1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:38 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:36 pm.

Sharon Edwards for Ms Hill.

Mr. Mattatall: They want to put a larger deck on the back of the house. Are there any questions from the Board?

Ms. Raffo: No.

Mr. Mattatall: I Move to close the Public Hearing at 8:37 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance: side yard variance: 1) from 20ft to 3.0 ft; 2) 20ft to 9ft; Seconded.

DISCUSSION:

Mrs. Thompson: We have had other similar come in for this.

VOTE:

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

DECISION:

Mr. Mattatall: The variances are granted. It is valid for 6 months and if no action has been taken request an extension before 6 month time frame. The Building Department will get the decision and issue permits from there.

HEARING REVIEWS (August 14, 2006):

HASBROUCK:

Mr. Mattatall: Preston Hasbrouck - what do you want to do.

Preston Hasbrouck: Add a covered front porch to the residence and a variance from 35ft to 29ft is being requested.

Mr. Mattatall: How far from existing building?

Preston Hasbrouck: 6 feet and it will not go further than that.

Mr. Mattatall: I Move to hold a Public Hearing for August 14, 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.

ADF DESIGN:

Dan Yanosh: It is an existing building in the MI zone and with spot zone years ago and only thing there with MI. They do cabinet work in the building and want to put on a 5000 addition in the back and 1200 square foot in the front. It does not meet the requirements of the zoning.

Mr. Mattatall: Neighbor will bring it closer to the property lines?

Dan Yanosh: No. We will have to move sewer line. No one knows why it was placed there.

Mrs. Thompson: How long have they owned there? Date they acquired it?

Dan Yanosh: They have owned it under separate companies over the years? 1992 ADF sold to Mid Orange Properties which are companies inside one another.

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

Mr. Mattatall: I Move to hold a Public Hearing on August 14, 2006 at 7:30pm 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.

JOHN MURPHY:

Mr. Mattatall: This is for a covered front porch?

Mr. Murphy: Yes, we have been there 24 years and it was built in 1965.

Mr. Mattatall; You have existing stoop there now?

Mr. Murphy: Yes.

Mr. Mattatall: Similar location?

Mr. Murphy: Yes except 24 feet wide.

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

Mr. Mattatall: I Move to hold a Public Hearing on August 14, 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 1000 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.

FIORILLO:

Dan Yanosh: This is new construction on a sub divided lot in 1994 when the zoning was less restrictive, i.e. 90 width and area smaller and today they want variance and in front of Planning Board for a 2 family now.

A couple of issues have come up. When new zoning created a year ago listed is R2 zoning and we found out when go to zoning for 2 family it was not changed. It still the .75 acres – no problem still need variance for area and if follow existing zoning it is not as severe. Old was .75 acres. Width now 150 and old 125 and I have 106.7 feet at building line and existing barn which is pre existing. Sub division in the plan it would be taken down and permit and new owner wants to keep it and it is safe and sound and want to preserve it. If the variances are granted we go back to Planning Board for special use for a 2 family.

Ms Guenste: Is it next to the property and the barn is part of piece where driveway goes up? (showed her where it is) there is existing 2 family and this is lot next to it.

Dan Yanosh It is going to be 2 family aunt and niece.

Mrs. Thompson: When did they build it?

Ms Fiorillo: Bought it in 1997 and sold half of it to my daughter.

Mr. Mattatall: No issue with setback on the property.

Dan Yanosh: It is for the area for the size and width and also the accessory in the front right.

Mr. Mattatall: The barn is in front – will the building inspector have a problem wit that?

Dan Yanosh: The PB had an issue who would be in control of that barn.

Mr. Mattatall: The accessory will be for that existing barn not future if it is knocked down. It is historic.

Mrs. Thompson: That is over sized now.

Dan Yanosh: Yes.

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

Mr. Mattatall; I Move to hold a Public Hearing on August 14, 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.

WEIBOLT (MARCIANO)

David Weibolt, Architect: He has 2 oversized accessory buildings and built without benefit of a permit and wants to get CO for them and building inspector sent us here.

Mr. Mattaall: Who built them?

Mr. Weibolt: Mr. Marciano himself.

Ms Guesnte: Is there a number in front of the house so we can find it.

Mr. Weibolt: Yes we can. It was a 2 car small garage and the back addition is a woodshed, and pole building in back.

Mr. Mattatall; When was it put up?

Mr. Weibolt: About 20 years ago, I don't know.

Mr. Mattatall: Does he plan to reimburse the Town for lost revenue for buildings. Will they meet the building codes?

Mr. Weibolt: They will have to be looked at and we can't get variance until brought up to code. He had a curbing business and cleaning it out now.

Mr. Mattatall: Used it for his business – don't know if that was headquarters or not.

Ms Guenste: Which direction are we going? If heading toward Pine Bush?

Mr. Weibolt: It is on the left.

Mrs. Thompson: North of Circleville?

Mr. Weibolt: Right by the intersection; before the side street.

Mr. Mattatall: As you leave Circleville before Beverly Drive and sits up – brick building.

Mr. Mattatall: Permits are needed when you put up buildings especially commercial uses.

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

Mr. Mattatall: I Move to hold a Public Hearing on August 14, 2006 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

CHRISTINA MILLIMOW

Mr. Millimow: Build deck off rear of existing deck and need side yard 20 to 9 feet of the line.

Mr. Mattatall: Just the one variance?

Ms Millimow: Yes.

Mr. Mattatall: Does not bring house closer?

Mr. Millimow: No.

Ms Guesnte: We can see it – no fences, dogs, etc.

Mr. Millimow: Yes and no.

Mr. Mattatall: I Move to hold a Public Hearing on August 14, 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.

BOOKER:

Mr. Mattatall: What dimensions of the actual deck?

Ms Booker: I want to go 16 feet out actually.

Mr. Mattatall: I have the set backs.

Ms Booker: I drew the deck on it.

Mr. Mattatall: I need to know how big the deck is?

Ms Booker: 16 x 14 feet.

Ms Guenste: We need to keep it consistent out there.

Ms Booker: The one recently approved is 16 x 15 ft (Raymond Vasquez).

Mr. Mattatall: There is a horrible hill out there.

Ms Booker: They decks are pretty small.

Mr. Mattatall: The dimensions are 16 feet out by 14 feet wide.

Ms Booker: Yes.

Mr. Mattatall: I Move to hold a Public Hearing on August 14, 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.

QUICK CHEK:

Howard Geneslaw, Esq.: I am here for the applicant.

Mr. Mattatall: Tell is what it is you are seeking.

Howard Geneslaw, Esq.: The variances are with the site plan approval with the Planning Board for food store, gas store and bank on other lot. We are looking for relief of the following:

Accessory in structure in front (gas pump)
Loading less 61.9 feet
Landscaping.

We are proposing a free-standing sign involving 64% of sign to price information and code allows 1/3 to price information.

Number of type faces on sign allows 2 and we 4 to 8 type faces – difference is lettering height gets you 8 or style of lettering only 4. above 2 permitted.

Allowed to have 3 signs on the canopy: front and 2 sides of pumps.

2 interpretations and 3rd came up today with Mr. McGoey:

- 1) parking space for food mart standards or retail should apply because of space for interior seating. No different than the stores where you have deli in Haniford and have coffee – food store versus retail and leads to special permit for eat/drinking establishment – defined where principal sale of food/beverage. Talking about small grocery with deli and bakery and it is accessory not primary. Permitted use and the question was raised this morning.

Measurement of handicap spaces – code 13 feet and plan per engineer 8 foot spaces with 8 foot loading stripes and count them you get 13 and code does not define that clearly.

Mr. Mattatall: It has not come up before.

Howard Geneslaw, Esq.: To get 13 feet you almost need to double count. Those are the requests. We can submit letter about the interpretation for special use permit for eating/drinking establishment that came up this morning. We have a 6 minute DVD if you want

Ms Raffo: What per cent is ready to eat, deli or sitting?

Jeff Martell, Project Engineer, Bohler Engineering: We broke out the floor plan: primary is retail for food store items and right is seating area and coffee bar that sells pre packaged goods and prep area for that. It was submitted to the planning board. We can provide additional copies. 5006 sq/ft retail; 739 eating/drinking; 788 sq/ft eating/drinking (other) – food prep area.

Ms Guenste: The dimension of the building is ... where is it going to be located?

Jeff Martell, Project Engineer: Next to the 'Little Gym'.

Ms Sullivan: It will clearly say 'Quick Check'.

Mr. Mattatall: Before we can give an interpretation we need to know what you are doing out there.

Howard Geneslaw, Esq.: eating and drinking is more like a restaurant. When we originally considered it a food store and interpretation retail and food/drinking we could conform to site and reduce outdoor eating.

Jeff Martell, Project Engineer: We have 57 and they require 50 and the stalls removed would be for landscaped or snow we don't feel we actually need them.

Mr. Mattatall: They come in and go and when they stay longer.

Howard Geneslaw, Esq.: Closest is in New Jersey. It is a New Jersey chain. They are on Rt 32 in Mammoth County.

Mr. Mattatall: Your requests are here. The minimal type faces is so people can get the message in one glance and paying attention to the road.

Howard Geneslaw, Esq.: The canopy over gas pumps, signage for canopy (3 sides),

Ms Guenste: How far does it come out? (showed her on the drawing).

Mr. Mattatall: The site plan you have has that been approved by the PB?

Howard Geneslaw, Esq.: There is one for the bank and this and the access points are on drawings you have in front of you.

Jeff Martell, Project Engineer: We have transposed the entrances.

Mr. Mattatall: There is a bit of a grade there and coming in and out is a question.

Jeff Martell, Project Engineer: Widen the road there and 18 feet to the DOT to widen it and right shoulder as you travel west. Significant roadway improvements.

Ms Guenste: Will you grade down to the road?

Jeff Martell, Project Engineer: It is 60 feet at some points. The site gradually rises but not dramatically and have HC things to consider. Closer to existing road's topo.

Ms Sullivan: What is behind you?

Jeff Martell, Project Engineer: Residential with frontage on the side street and 250 feet beyond there are houses.

Howard Geneslaw, Esq.: This is an unlisted action and Planning Board is the lead agency.

Mr. Mattatall: We will accept the PBs finding and we have input to them.

Howard Geneslaw, Esq.: This is a 239-M referral to the County?

Mr. Mattatall: They are automatically submitted.

Mrs. Thompson: You have 211 East and West on the application. Can I change that for the paper?

Howard Geneslaw, Esq.: Yes. The 3rd interpretation will be in the table. We have to be prepared and make it as simple as possible.

Mr. Mattatall: I Move to hold a Public Hearing on August 14, 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.

ALTA EAST:

Dan Yanosh: : This is on Highland Avenue Extension, is vacant land owned by them since 1996. 2 family house with subdivision and caught up in moratorium and it would have created 4 and the applicant wants a 2 lot sub division with single on each lot and lot width is in question from 100 feet to 98.24 feet on each of them.

Mr .Mattatall: What was the original intent?

Dan Yanosh: 2-family houses and told only 3 lots at a time and it would have made 4 and now this.

Mr. Mattatall: No other variances requested?

Dan Yanosh: No.

Mr. Mattatall: What about variances in the future? Plenty of room in the back for deck.

Mr. Mattatall: I Move to hold a Public Hearing on August 14, 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.

MEETING CLOSE:

Mr. Mattatall: there being no further items to be presented to the board, I Move to close the Meeting at 9:44 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL
ZONING BOARD OF APPEAL

DECISION SHEET

July 10, 2006

Arnold Silver

Request for a variance of 249-19(d)(1):

- 1) lot width from 200ft to 100ft;
- 2) side yard set back from 40ft to 33ft;
- 3) side yard set back from 60ft to 26ft;
- 4) two side yards from 100ft to 59ft;

Variance of 249-19-(d)(2):

- 5) area from 2 acres to 1.78 acres;

Property located at 282 Derby Road
(SEC 21 BL 1 LOT 10); Designated RA.

DECISION: Variances granted subject to:

The certificate of occupancy not be issued until debris is cleared; removal of trees necessary for construction; and preserve tree lines.

C&B Subs II, LLC.

Request for a variance of 249-11(n)(1)(a)(2) – sign:

To permit a 19 sq/ft sign attached to Wal-Mart building;

Property located at 475 Rt 211 East

(SEC 50 BL 2 LOT 63); Designated HC.

DECISION: Variance granted subject to:

Sign is made as pictured in photograph/drawings submitted with application dated 5/23/2006.

Ozzie Bekhart / Timely Signs

Request for a variance of 249-11(n)(2)(a) – maximum square footage for sign:

To permit a sign from 250 sq/ft to 400 sq/ft;

Property located a 169 Dunning Road

(SEC 53 BL 5 LOT 2); Designated HC.

DECISION: Variance granted.

Joaquin Morales

Continued to August 14, 2006.

Travis R. Wood

Request for a variance of 249-3 (accessory building size):

From the permitted 28x28ft to 30ft x 40ft for storage of personal items;

Property located at 38-40 Vanburenville Road

(SEC 22 BL 3 LOT 17); Designated R2.

DECISION: Variance granted.

PUBLIC HEARINGS (Cont'd.)

Mary Jo Levins

Request for a variance of 249-20(d)(1) side yard setback:
From 35ft to 12ft to permit entrance on south side of house;
Property located at 43 Birch Road
(SEC 40 BL 1 LOT 29); Designated R2.

DECISION: Variance granted.

Patrick A. Bowie

Not present.

Dyanne Hill

Request for a variance of 249-22-D(a) – side yard set
backs:

1) side yard set back from 20ft to 3ft;

2) side yard set back from 20ft to 9ft;

Property located at 39 Mayer Drive

(SEC 76 BL 8 LOT 43); Designated R-1.

DECISION: Variances granted.

Virginia L. Lynch

Request for a variance of 249-20-D(1) – side yard:

1) from 20ft to 14ft;

Property located at 10 Bonnie Brae Drive

(SEC 80 BL 3 LOT 12); Designated R-2.

DECISION: Variance granted.

Request for 6 Month Extensions:

Richard Kroseck

Request for a six (6) month extension of variances granted on 9/12/05 and extended on 1/9/06:

Richard Kruseck: variance of 249-19-D: 1) rear yard from 70ft to 53ft for a 26x32ft addition; property located at 234 Ridge Road (32-1-44.1); Designated RA.

DECISION: Extension of 6 months granted.

Wal-Mart

Request for a six (6) month extension of variance granted on 9/12/2005 and extended 2/6/06:

Request for a variance of 249-8A(5): Accessory building in front of the primary building for the installation of filling station pumps; Property located at 300 North Galleria Drive (78-2-5.12); Designated MI.

DECISION: Extension of 6 months granted.