

TOWN OF WALLKILL ZONING BOARD OF APPEALS

MEETING MINUTES

JANUARY 9, 2006

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

J. Owen, Esq.

EXCUSED: W. Morgan
R. Sullivan

MEETING OPENING:

The January 9, 2006 Meeting opened with the annual reorganization:

Chairperson:

J. Mattatall - Appointed by the Town Board

Nomination: Vice Chair:

The Nomination was made for E. Raffo (Mattatall);
Seconded; All in favor; Motion carried.

Secretary:

The Nomination was made for Priscilla H. Thompson
(Raffo); All in favor; Motion carried.

Meeting Dates: The 2nd Monday of the month at 7:30 pm or as otherwise noted:

January 9	February 6	March 13
April 10	May 15	June 12
July 10	August 14	September 11
October 16	November 16	December 13

ZBA Board: N. Guenste E. Johnson J. Mattatall
E. Raffo R. Sullivan P. Thompson
Joseph A. Owen, Esq.

Meeting Dates: The Zoning Board of Appeals will meet on the second Monday of each month at 7:30 pm unless otherwise notified. Exception: October 2005.

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MEETING OPENING:

The January 9, 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 December 12, 2005 Meeting Minutes.

The following corrections were noted for the record:

Pg 16 Para 8 Should read "Mr. Ten Kate"

The Motion was made to accept the minutes as noted: Seconded; All in favor; Motion carried.

The following correspondence was addressed, Public Hearings heard, discussed and voted upon as noted; and applications re viewed for the February Meeting.

CORRESPONDENCE:

Mr. Mattatall: The following requests have been made for extensions to variances granted:

RICHARD KRUSECK: Request for variance granted on September 12, 2005 of 249-19-D: 1) rear yard from 70ft to 53ft for 26x32ft addition; property located at 234 Ridge Road (32-1-44.1); RA.

Mr. Mattatall: I Move to grant a 6 month extension to the variances granted on August 8, 2005; Seconded; All in favor; Motion carried.

THOMAS J & KATHRYN STAPLES: Request for variances granted on August 8, 2005 of 249-22-D (side/rear setbacks): 1) side yard from 15 to 12ft; 2) side yard 15ft to 14ft; 3) rear yard from 30ft to 11ft; for construction of a deck; property at 8 Clark Street (52-4-6); R1.

FAIRWAYS WALLKILL, LLC.

MGD DEV. GROUP, LLC: Request for extension to those variances extended on August 8, 2005: Applicant requested 2nd six month extension for variances granted (see September 13, 2004 Minutes/Decision Sheet) and extended on February 14, 2005; associated with 217 residential condominium units on property located on Golf Links Road (73-1-31.2, 33.2, 33.3); Designated R1.

Mr. Mattatall: I Move to grant a 6 month extension to the variances granted on August 8, 2005; Seconded; All in favor; Motion carried.

J. Owen, Esq.: If they were granted at different meetings, they have to fall within the 6 month time period. If they need an extension you can vote on that tonight.

PUBLIC HEARINGS:

KEVIN TEN KATE: Request for a variance of 249-20-D (front and rear yard setback):
1) front yard from 35ft to 9ft 1- inch;
2) rear yard set back from 35ft to 11ft 7-inch
For construction of an addition on the back of the dwelling and porch on the front of the dwelling.
Property located at 59 Alton Road
(SEC 8 BL 8 LOT 9);
Designated R-2.

Mrs. Thompson: The mailings were reviewed by the board and filed by the Secretary. The Public Hearing Notice was read at 9:41 pm.

Mr. Mattatall: I Move to open the Public Hearing at 9:42 pm.

Mr. Ten Kate: At the Planning Board meeting they approved the joining of the back lots and we may not need that variance. The porch goes along the side and no variance there.

Mr. Mattatall: I need to know the footage.

Mr. Ten Kate: There is a key with the distances.

Mr. Mattatall: The map does not show where the front of the porch is. Nothing is showing – how far from the front of the property line – 9ft 1 inch?

D. Yanosh: It is 9ft 1 inch?

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

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

Mr. Mattatall: You no longer need the rear yard – did you get it something in writing?

Mr. Ten Kate: No – not that night.

Mr. Mattatall: We want to make sure the paperwork gets to the permit department so it is there when you got for it. I will leave it in in the meantime.

Mr. Mattatall: I Move to close the Public Hearing at 7:46 pm.

Motion: front yard 35ft to 9ft 1 inch and rear yard 35ft to 11ft 7 inches; Seconded.

DISCUSISON: (None)

VOTE:

In favor (Aye): 5 Guenste, Raffo, Thompson; Johnson, Mattatall.
Opposed (Nay): 0

DECISION:

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

MICHAEL D. ROSS: Request for a variance of 249-22-D (rear yard setback):
1) from 30ft to 21ft;
For construction of each deck on a two-family residence..
Property located at 138 Belmont Avenue
SEC 76 BL 5 LOT 4
Designated R-1.

Mrs. Thompson: The mailings were reviewed by the board and filed by the Secretary. The Public Hearing Notice was read at 7:48 pm.

Mr. Mattatall: I Move to open the Public Hearing at 7:49 pm.

Mr. Ross: Originally I had room for the deck and then was asked by the Town to move the house back 10 feet so need variance for the decks. It is a brand new project and I have not finished it yet.

Mr. Mattatall: When we originally gave you a variance it was to 'remain in the setbacks...'.
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Mr. Ross:... the foundation, yes.

Mr. Mattatall: Will the deck touch the ground? It comes within the food print. We made a condition no other variances would be granted on this. Who told you to move the house back?

Mr. Ross: The engineer made a request when I was here – move it back to line up with the others, questioned the decks and told me to get a variance.

Ms Guenste: Why not come here before you started to build?

Mr. Ross: The house behind is 15 feet higher and built horse shoe barrier. The patio would need to conform and also I thought it was a tripping hazard so went back to the decks and then the building department said I had to come in for a variance.

Ms Guenste: The contour - the way the land is - has been that way for a long time – concerned that we looked at it and said 'this is it' and now you know you would need a variance for a deck and built the house any way – do you know what I mean? I am confused. You went ahead without a variance and coming here to tell us and needed a variance before it went in. it is disturbing because we have zoning laws in place – if it is a pre-existing house and try to improve we try to help – in my opinion if you do it and then come in after the fact...

Mr. Ross: Originally the deck and the brim was 18” and the water was backing up and patios were then out of the question. I spoke to the Building Inspector who said to go to the Town.

Mrs. Thompson: You have to have the decks?

Mr. Ross: We have sliding doors. Originally it was a patio and then this. This is the first time and had I known I would have moved the house back. There are houses closer to the street but the Town asked me to move it back to line up. Now with water coming down from the street and had to put in the brim the patio would not work. And the Building Inspector sent me here.

Ms Guenste: Looking at it if standing at bottom of hill - the water will come down – I know this – a natural flow and someone who is building it I would think you would look at that when building the foundation.

Mr. Ross: The Town asked me to move it back.

Ms Guenste: What is the difference between patio and deck.

Mr. Ross: The deck goes out to the brim.

Mr. Mattatall: I can see how this happened.

Mr. Ross: The town wanted the houses to line up and was willing to comply and then told to come in for variance – had I known that I would have....

Mr. Mattatall: You have a man-made barrier you had to construct.

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

Mr. Mattatall: Any comments or questions from the Board?

Mr. Johnson: What about block and raised like a deck?

Mr. Ross: I did not realize there would be so much rain. The decks are behind the neighbor's houses and won't be able to see it easily. I had hoped to go deeper in and then hit shale and it changed dimension of the house and the brim was higher because of that also I think.

Mrs. Thompson: Does it have to be 8 ft deep?

Mr. Ross: 8 x 11?

Mr. Mattatall: The depth out there is the question.

Mr. Ross: 8 x 11 – it is into the variance? The berm starts at foundation and then 18 inch drop.

Ms Guenste: What about the supports?

Mr. Ross: I want to put 3 and there are sonic tubes on a gert.

Ms Raffo: No problem with the deck size.

Mr. Mattatall: These situations will be noted in the future n each piece of property so it does not happen.

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

Mr. Mattatall: I Move to close the Public Hearing at 8:00pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I move to grant the following variance: rear yard from 30ft to 21ft; Seconded.

DISCUSSION: (none)

VOTE:

In favor (aye): 5 Guenste, Johnson, Raffo, Thompson, Mattatall
Opposed (nay): 0

DECISION:

Mr. Mattatall: The variance is granted and valid for 6 months. Please see the Building Department. If you have not started work within 6 months. please come in if you need an extension prior to that time.

HEARING REVIEWS:

MURACH / RHEIN:

Mr. Mattatall: This was previously approved. An issued with the owner which has been received and the deed has been filed and can proceed with this now. It is non-conforming for lot 200 to 102ft within setbacks of remaining property for what you are going to build?

Mr. Rhein: Yes.

Mr. Mattatall: I Move to hold a Public Hearing on February 6, 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.

FINI:

Mr. Mattatall: Have they been joined?

Mr. Yanosh: No in the process of doing that, however.

Mr. Mattatall: This is concurrently with the PB ?

Mr. Yanosh: Yes it went to the Planning Board on 12/7 and we proposed a 2 family house which the PB did not look favorable for 2 family so the application would be for a single family. If combine them one is R1 and other is HC. We would go with the R1 zone which is more stringent. In interim since the beginning of December so the map has to be revised for R1 zoning adopted in December: R1 18750 sq/ft size min., lot

Mr. Mattatall: Did this go in before the change ?

Mr. Yanosh: Yes.

Mr. Mattatall: It goes under the old law. If they don't (combine) by next month – we can't act on it.

J. Owen, Esq.: Or grant "subject to" You go by the new code. It goes by when it is granted.

Mr. Yanosh: There is a meeting tonight regarding zoning. The minimum 18750 but could not meet 12050 before. The lot was 100 now 125 which is existing.

Mr. Mattatall: We need new statistics please.

Ms Guenste: He is in for: area, width, front from 100 to 80ft and depth 125 to 120ft. side yard 20ft and combined 40. the house is 44 ft wide?

Mr. Yanosh: Yes. I'll revise the map and get it to you.

Ms Guenste: We want them to conform more to the area so they don't look like these huge things.

Mr. Mattatall: I Move to hold a Public Hearing on February 6, 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.

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Bill Regan: We bought the burned house adjacent to our shop on Highland Avenue and the time expired to build on the existing foot print and want to build house on the foot print and had some matters with the family that took time to close and by that time we lost our time. We were working with code enforcement and led to believe if we made substantial effort but got kicked back.

Mr. Mattatall: I am familiar with it.

Mr. Regan: It sat like a mess for a year because of family members.

Mr. Mattatall: You will need an engineer to change his specs/ revised table because they have recently changed. Single family?

Mr. Regan: Yes. The neighborhood is single family small houses are close together and with the foot print can't build a small 2 story. There was detached garage behind and like to rebuild that too (one of the photos has it in it)

Mr. Mattatall: Page?

Mr. Regan: Page 4.

Mr. Mattatall: Any questions from the Board?

Ms Raffo: Is it the same foot print?

Mr. Regan: Yes.

Mr. Mattatall: I Move to hold a Public Hearing on February 6, 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.

WEINER (594 East Main Street, LLC.):

Bruce Weiner and contractor: The original proposal has sign in front of the entrance to the building that was just constructed for dental and commercial space. The proposal puts it close to the road upon further look at the property move it 18 feet from the line closer to the entrance and better spot and know that is the entrance and pulls it further off the road with good site distance from the road. The pictures (presented) are from others in the area. If we can go 18 feet. It is 18 feet from the white line; 8 feet in our property. The proposal 2 is a driveway entrance the burlap / planter area before 1st parking spot – center of that.

Vincent Sorbello: The radius R18 – where is 'R' is is the center of the sign.

Mr. Mattatall: It is how far?

Mr. Weiner: 18 feet from the white line.

Mr. Mattatall: 8 feet from the property line.

Vincent Sorbello: 25 feet from the line would be in the parking lot and push it up closer to the lot line.

Mr .Mattatall: Behind the parked cars bumpers in #1. You'll have cars closer to the road than the sign.

Vincent Sorbello: Yes about the same.

Mr. Mattatall: Do you know what the sign will look like?

Vincent Sorbello: You have photos.

Mr. Mattatall: Part of the original application.

Ms Guenste: The color scheme?

Vincent Sorbello: We have 1 color. Cliff Burgess in Crawford are the sign assembler.

Ms Guenste: You checked with the Town on structure, etc.

Mr. Weiner: We have had it engineered.

Mr. Mattatall: We have some serious sign codes regarding pylons, etc.

Ms Guenste: If certain amount of feet from the road .

Mr. Weiner: Spoke to Walter Barrett or the Town Engineer.

Vincent Sorbello: Walter Barrett sent us here. He saw this.

J Owen, Esq.: Check with him as soon as you can to find if you get variance if you will be back on the other things.

Ms Guenste: How high?

Vincent Sorbello: 16 feet. I 'll see him tomorrow.

Ms Guenste: The lettering is black on white with a red logo.

Mrs. Thompson: Is it illuminated?

Mr. Weiner: No.

Mr. Mattatall: You will see building department if sign is to code.

Mr. Mattatall: I Move to hold a Public Hearing on February 6, 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.

TODD LYONS:

Mr. Mattatall: This is for a request for a variance off Pocatello?

Mr. Lyons: It is dirt road and address is Pocatello Road.

Mr. Thompson: We need soil types on the map.

Mr. Lyons: I gave 3 maps they submitted to E&H.

Ms Guenste: It has the perk rate but the Town uses a formula for soil types.

Mr. Mattatall: We need the classifications.

Mr. Lyons: They did 8 foot hold and did the layers and was there with them – don't know if they are not classified property or not.

Mr. Mattatall: Not for the Town.

Mr. Mattatall: The engineer knows better they have been here before.

Mr. Lyon: Few engineers supervising the digger.

Mr. Mattatall: No where in here does it say the acreage can support a septic system – we know how fast the water runs. Different types of soils need different acreage to support it.

Mr. Johnson: The soil classification and the acreage of each.

Mr. Lyons: They did septic field to meet the soil to meet the specifications with that design to meet town requirements. They don't have it listed I did not know that.

Ms Guenste: It is empty lot?

Mr. Lyons: Yes, it is 100 feet – when I bought it, it was 2 pre-existing non-conforming 50x100 and combined one large one naturally...

Ms Guenste: On the map where are you? (he showed her)

Mr. Lyons: There is 50 x 100 and am bigger one in the development and house I sold is next to it is on 50x100 lot. Both wells are up hill from the septic. The apache trail is on a peak so wells on top and septic below.

Mr. Mattatall: There are about 2-3 houses on the trail.

Mr. Lyons: I need a variance because the houses on apache are close to the back and if I put mine in the middle with 35 foot back yard it would not look right and the septic was expanded any way. The reason for rear yard set back. The other information I can get to you.

Mr. Mattatall: With septic systems the county dept of health has to certify all these and we need their certificate to move on.

Mr. Lyons: E&H has design and soils with little different plans. I submitted 11 to the Board and 3 to E&H for septic review..

Mr. Mattatall: The information is needed.

Mr. Lyons: I submitted them at the same time.

Mr. Mattatall: We need to know what it is before the next meeting. You don't have plans with the building department?

Mr. Lyons: No. how long does it take – I submitted them on 11/29.

Mr. Mattatall You can stop by their office.

Ms Guenste: Should we hold off on the Public Notice until we hear from them?

Mr. Mattatall: We can continue the hearing. He can't build until he gets the approval. We need the soils and if the soils say you can't build you need to know.

Mr. Lyons: If they approve the septic they know the soils – because they did the design.

Mr. Johnson: the soils set the amount of acreage.

Mr. Mattatall: I Move to hold a Public Hearing on February 6, 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.

VIVIEN A. LYONS:

Ms Lyons: I was to be here last month and had family emergency so I could not be here.

Mr. Mattatall: What are you looking to do?

Ms Lyons: After the fact permit –

Mr. Mattatall; It is already built?

Ms Lyons: Yes, many, many years ago. I was told the Building Inspector said I needed variance because addition is too close to line. I came here out of curiosity looking for permit and found out they were not. an architect did the plans and survey did that.

Ms Raffo: When was it put on?

Ms Lyons: In the early 1980's. I understand a permit was issued.

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Mr. Mattatall: You are by the town park?

Ms Lyons: Yes. The plans show the structure with the town house.

Mr. Mattatall: The issue is that if it was built to code.

Ms Lyons: Yes, it was a safe construction.

Mr. Mattatall: The problem is inspections as you are building.

Ms Lyons: He has been there and they need a \$35 check.

Mr. Mattatall: I Move to hold a Public Hearing on February 6, 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.

Mr. Mattatall: The large post offices do the mailings different. Circleville will not do it for an individual, check Scotchtown.

Ms Lyons: What do I need to bring next month?

Mr. Mattatall: The proof of mailings.

MEETING CLOSE:

Mr. Mattatall: There being no further items to be presented to the Town of Wallkill Zoning Board of Appeal, I Move to close the meeting at 8:47 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL
ZONING BOARD OF APPEAL

JANUARY 9, 2006

DECISION SHEET

KEVIN TEN KATE: Request for a variance of 249-20-D (front and rear yard setback):
1) front yard from 35ft to 9ft 1-inch;
2) rear yard set back from 35ft to 11ft 7-inches;
For construction of an addition on the back of the dwelling and porch on the front of the dwelling.
Property located at 59 Alton Road
(SEC 8 BL 8 LOT 9);
Designated R-2.

DECISION: Variances granted.

MICHAEL D. ROSS: Request for a variance of 249-22-D (rear yard setback):
1) from 30ft to 21ft for each deck;
For construction of decks on a two-family residence.
Property located at 138 Belmont Avenue
SEC 76 BL 5 LOT 4
Designated R-1.

DECISION: Variance granted.

REQUEST FOR 6 MONTH EXTENSION:

RICHARD KRUSECK Request for variance granted on September 12, 2005 of 249-19-D: 1) rear yard from 70ft to 53ft for 26x32ft addition; property located at 234 Ridge Road (32-1-44.1); RA.

DECISION: Extension granted.

THOMAS J & KATHRYN STAPLES: Request for variances granted on August 8, 2005 of 249-22-D (side/rear setbacks): 1) side yard from 15 to 12ft; 2) side yard 15ft to 14ft; 3) rear yard from 30ft to 11ft; for construction of a deck; property at 8 Clark Street (52-4-6); R1.

DECISION: Extension granted.

PAGE 2

FAIRWAYS WALLKILL, LLC.

MGD DEV. GROUP, LLC: Request for extension to those variances extended on August 8, 2005: Applicant requested 2nd six month extension for variances granted (see September 13, 2004 Minutes/Decision Sheet) and extended on February 14, 2005; associated with 217 residential condominium units on property located on Golf Links Road (73-1-31.2, 33.2, 33.3); Designated R1.

DECISION: Extension granted to those extended at August 8, 2004 meeting.