

TOWN OF WALLKILL
ZONING BOARD OF APPEALS

January 12, 2009

PRESENT:

Mr. K. Dunn
Mr. E. Johnson
Ms S. Najac
Ms E. Raffo, Chairperson
Ms Sullivan
Mr. S. Wilson

J. Owen, Esq.

EXCUSED:

Ms M. Petelinz

MEETING OPENING:

Ms Raffo: The meeting was opened with the pledge to the flag, roll call and presentation of the December 8, 2008 Meeting Minutes.

Ms Raffo: I Move to accepted the December 8, 2008 Minutes; Seconded (Wilson)); All in favor; Motion carried.

The following Continuances, Reviews (February 9, 2009) and Public Hearings were conducted and voted upon as noted.

CORRESPONDENCE:

Six Month Extensions:

Leslie Rogers Newman:

Ms Raffo: We have received a request for an extension to variances granted in July.

Ms Raffo: I Move to grant a six month extension to Leslie Rogers Newman for variance granted on January 14, 2008, of 249-20(12)(1) (front yard set back) on an existing non-conforming lot, extended July 2008: 1) front yard from 150ft to 100ft; Property located on M&M Road; (14-1-11); Designated R-2, and subject to no further variances being granted on this lot and building set backs. Seconded (Johnson); All in favor; Motion carried.

Fedele Holdings:

Ms Raffo: Fedele Holdings is requesting a six month extension for variances for lot width and frontage that was granted in July 14, 2008.

Ms Raffo: I Move to grant a six month extension to Fedele Holdings, LLC.: Request for a variance of 249-20(D) (lot width and frontage) granted July 2008: 1. lot width from 200ft to 189ft; 2. lot frontage from 200ft to 189ft; For single family home; Property located Fair Oaks Road; (22 - 2 - 4 and 5); Designated R-2; Seconded (Wilson); All in favor; Motion carried.

John M. Gesztesi:

Ms Raffo: The Gesztesis are requesting a six month extension on variances from July.

Ms Raffo: I move to grant a six month extension on the following variances granted on July 14, 2008: John M. Gesztesi: Request for an area variances: 1. side yard from 20ft to 10ft; 2. 2 side yards from 40ft to 20ft; 3. lot area from 10,000 sq/ft to 7,500 sq/ft; 4. lot width from 100ft to 50ft; for construction of a single family dwelling; Property located at 8 Fair Avenue; (74-5-3); Designated HC, Subject to no further variances being made to the plans presented; Seconded (Johnson); All in favor; Motion carried.

Raymond & Tim Smith:

Ms Raffo: The following was not read into the record in October for the request of a six month extension to April 14, 2009.

Ms Raffo: I Move to grant a six month extension to: Raymond & Tammy Smith
Request for a variance of 249-22(D)(1): 1. area from 18,750 sq/ft to 12,035 sq/ft; 2.

lot width from 100 to 83 ft; 3. lot frontage from 100ft to 83ft; For a 2 family residence; Property located at 214 Watkins Avenue (36-12-6.2); Designated R-1, subject to the following: The house will be built and meet all required setbacks and no further variances will be granted; Seconded; All in favor; Motion carried.

CORRESPONDENCE:

Ms Raffo: We have received word from VENDA that they are still working with the hydrologist and have requested an extension to February.

CONTINUED PUBLIC HEARING:

Greenwood Realty Co. /
Richard Cappelluzzo:

Request for a variance of 249-20(D)(1)
Lot area, width and frontage
Property located at 582 & 588 Silver Lake Scotchtown Rd
(81-2-1.1 and 1.2)
Designated R-2

Ms Raffo: This is a continued Public Hearing and remains open.

Burt Blustein, Esq., Blustein, Shapiro and Rich, LLP with Richard Cappelluzzo.

Ms Raffo: We received some copies of the revised maps.

D. Yanosh: The first had 8 lots of 80 feet wide. We looked at it again and started at 7. This goes down to 6 lots. The lot width and frontage reduced and acreage changed about 2/10 of a acres. More for the corner lot for frontage.

Ms Raffo: Any questions from the Public? (No)

Ms Raffo: Any comments or questions from the Board? (No)

Ms Raffo: The numbers on here are correct?

D. Yanosh: Those numbers there – I drew up another sheet. Mr. Cappelluzzo can sign the changes (and so he did). They are the numbers from the Didn't know if we needed it or not.

Ms Raffo: I Move to close the Public Hearing at 8:16 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variances for lot area, width and frontage:

Area:

Lot #1 from 1.5 acres to 0.49 acres
Lot #2 from 1.5 acres to 0.47 acres
Lot #3 from 1.5 acres to 0.45 acres
Lot #4 from 1.5 acres to 0.43 acres
Lot #5 from 1.5 acres to 0.77 acres
Lot #6 from 1.5 acres to 0.82 acres

Lot width:

- Lot #1 from 150ft to 125.86 ft
- Lot #2 from 150ft to 106.0 ft
- Lot #3 from 150ft to 106.0 ft
- Lot #4 from 150ft to 106.0 ft
- Lot #5 from 150ft to 105.0 ft
- Lot #6 from 150ft to 105.0 ft

Lot frontage:

- Lot #1 from 150ft to 125.16 ft
- Lot #2 from 150ft to 106.0 ft
- Lot #3 from 150ft to 106.0
- Lot #4 from 150ft to 106.0 ft
- Lot #5 from 150ft to 105.0 ft
- Lot #6 from 150ft to 105.01 ft;

Seconded (Wilson).

DISCUSSION:

Mr. Johnson: I still don't really like the layout but considering the neighborhood's requests, with hesitation, I'll vote yes.

Ms Sullivan: This is substantial and you have no neighbors here, and you have made the amendments.

Ms Najac: The neighbors were huge sway here, and in my voting yes.

Mr. Wilson: As they have stated, it is a substantial variance but meets criteria of the neighborhood.

Ms Raffo: I agree. The neighborhood is filled with same size lots and in middle of a neighborhood and each is looked at separately.

VOTE:

In favor (aye) 6 Johnson, Sullivan, Najac, Wilson, Dunn, Raffo
Opposed (nay) 0

DECISION:

Ms Raffo: The variances are granted and valid for 6 months. You are going to planning and want to watch the expiration date.

PUBLIC HEARINGS:

Quick Chek

Request for a variance of 249-8(a):

1. accessory building (canopy) closer to the road than the front of the main building.

2. sign variances as stipulated on the application

Property locate at East Main Street (601 Dunning Road)

(78-1-94)

Designated OR

Ms Raffo: The mailings were reviewed by the Board and filed for the record.

Ms Raffo: I Move to open the Public Hearing at 7:43 pm; Seconded; All in favor; Motion carried.

Ms Raffo: This application was submitted and granted last year and it is the same variances that were requested and granted previously.

Howard Geneslaw, Esq.: As you stated, essentially the same variances. Quick Check has a new logo and square footage on canopy is smaller. Canopy closer than façade of building; number of type faces and percentage for pricing information. Canopy signs – we have 2 and are entitled to 1 and it is slightly larger than permitted. They are very similar on Quick Chek on Rt 211 which opened recently.

We received letter from the County referring back to local determination and nothing new in Sequa. We submitted criteria. The engineer is also here if you want to see elevations, how canopy lays out, etc.

Ms Raffo: You need variances for the canopy in front of the building and the others are sign variances.

Ms Raffo: Any questions from the Public? (No)

Ms Raffo: Any questions or comments from the Board? (No)

Ms Raffo: I Move to close the Public Hearing at 7:48 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variances of 249-8:

1. accessory building closer to road than front of main building.
2. sign variances as stipulated on application; Seconded (Johnson).

DISCUSSION:

(None)

VOTE:

In favor (aye) 6 Johnson, Najac, Dunn, Wilson, Sullivan, Raffo
Opposed (nay) 0

Ms Raffo: The variances are granted, and are valid for 6 months if work has not started and you have not requested an extension, you will need to start over.

James & Shirley Fischer Request for a variance of 249 (lot area):
1. from 2 acres to 1.87 acres
To install outdoor wood burner
Property located at 650 Scotchtown Collabar Road
(20-1-25.1)
Designated RA

Ms Raffo: The mailings were reviewed by the Board and filed for the record.

Ms Raffo: I Move to open the Public Hearing is opened at 7:49 p.m.; Seconded; All in favor;
Motion carried.

Ms Raffo: Please explain what you are looking to do.

Mr. Fischer: Install wooden boiler to heat our home.

Ms Raffo: You don't have enough acreage?

Mr. Fischer: Yes.

Ms Raffo: Any questions from Public?

Mr. King: I am here for 2 reasons. The Town Board passed a law last year on outdoor furnaces and people look for alternate energy uses. The Town had concern for areas with higher population than where Fischer's live. Also, what you can burn – wood not treated, etc. have been areas in other town without laws and use them as incinerators and pollutions out there. Adequate space and proper area for stoves like this. They looked at various lot sizes and 2 or 3 lots in a row could be a pollution problem where you have haze that hangs in that area. they did not want to outlaw them. Some towns have restrictions. Where they live even though they don't have the proper acreage, personally, I am no longer a board member, there are huge amount of wetlands and basically it is the last house out there. One home across from them and distance from the stove and huge amount of property and a lot of wind that goes through there and have no problem with that, as a neighbor.

Ms Raffo: It's not what you burn – that is a Building Department matter, you are short on acreage but not by a great deal. There will be several of these applications now that we have energy problems and each looked at individually and you have land next door. Any other questions from the Public? (No)

Ms Raffo: Any questions or comments from the Board?

Mr. Wilson: Did you check measurements? Over 40 feet from the house and 75 from the property?

Mr. Fischer: Yes.

Mr. King: The law reads 100 feet from property line.

Mr. Wilson: 75 feet.

Ms Raffo: I Move to close the Public Hearing at 7:54pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following area variance from 2 acres to 1.87 acres to install outdoor wood burner; Seconded (Wilson).

DISCUSSION:

(None)

VOTE:

In favor (aye) 6	Johnson, Sullivan, Najac, Dunn, Wilson, Raffo
Opposed (nay) 0	

DECISION:

Ms Raffo: The variance is granted. Please check with the Building Department for permits. It is valid for six months and if work has not started in that time, return to request an extension before it expires please.

William and Laurie Yungmann Request for a variance of 249-3 (area/accessory):
1. area from 18,750 sq/ft to 15,445 sq/ft
2. two (2) story garage 36ft x 36ft
To the house with an up-stairs apartment
Property located at 667 County Highway 78
(49-1-59)
Designated R-1

Ms Raffo: The mailings were reviewed by the Board and filed for the record.

Ms Raffo: I Move to open the Public Hearing at 7:57 pm; Seconded; All in favor; Motion carried.

Ms Raffo: Please present your application.

Mr. Yungmann: We are looking to take out little shed in corner and put up garage and a variance for set backs off property line and dealing with the garage 36x36 and have an apartment upstairs for our son.

Ms. Raffo: Anyone questions or comments from the Public? (No)

Ms Raffo: Any questions from the Board?

Mr. Wilson: The apartment is for your son?

Mr. Yungman: Yes, he is special ed.

J. Owen, Esq.: It expires when they move – you can put a condition.

Mr. Wilson: Special consideration for family only – not rental.

Ms Raffo: You need variance for garage, lot area,

Ms Raffo: I Move to close the Public Hearing at 8:03 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variance: 1) accessory 2 story garage with apartment on 2nd floor (36x36 ft); 2) area variance from 18,750 to 15,445 sq/ft, subject to: the 2 story garage with apartment upstairs be used for family use only; not a rental property; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 6 Najac, Dunn, Wilson, Johnson, Sullivan, Raffo
Opposed (nay) 0

DECISION:

Ms Raffo: The variances are granted subject to the stipulation noted.

Wayne A. Kelvasa

Request for a variance of 249-3:
1. accessory building from 28x28ft to 24x40ft
Property located at 378 Howells Road
(32-1-31.31)
Designated RA

Ms Raffo: The mailings were reviewed by the Board and filed for the record.

Ms Raffo: I Move to open the Public Hearing at 8:04 pm; Seconded; All in favor; Motion carried.

Ms Raffo: Please tell us what you want to do.

Mr. Johnson: The driveway comes out of the house.

Mr. Kelvasa: Driveway is existing.

Ms Raffo: Any questions from the Public? (No)

Ms Raffo: Any questions from the Board? (No)

Ms Raffo: I Move to close the Public Hearing at 8:07 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variance for an over-sized accessory building from 28x28ft to 24x40ft; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 6 Najac, Dunn, Wilson, Johnson, Sullivan, Raffo
Opposed (nay) 0

DECISION:

Ms Raffo: The variance is granted. If you don't start in 6 months, please return before that time and request an extension or you will need to start again.

Rick J. Vidal (Alzina Fayan)

Request for a variance of 249 (road frontage):
1. front yard set back from 200ft to 187ft;
Property located on Van Dozar Road
(65-1-42)
Designated RA

Ms Raffo: The mailings were reviewed by the Board and filed for the record.

Ms Raffo: I Move to open the Public Hearing at 8:09 pm; Seconded; All in favor; Motion carried.

Ms Raffo: This is for road frontage; you are short on this.

Applicant representative: Yes.

Ms Raffo: Any questions from the Public? (No)

Ms Raffo: Any questions from the Board?

Mr. Wilson: I am trying to figure out the 13 feet.

Ms Raffo: I Move to close the Public Hearing at 8:11 pm.; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variance: 1. road frontage 200ft to 187ft; Seconded (Wilson).

DISCUSSION:

(None)

VOTE:

In favor (aye) 6 Johnson, Sullivan, Najac, Dunn, Wilson, Raffo
Opposed (nay) 0

DECISION:

Ms Raffo: The variance is granted, please see the Building Department. It is good for 6 months.

HEARING REVIEWS:

Lawrence Poltorak:

Mr. Poltorak: add small addition to back of house and can't build down stairs and addition is enclosed staircase and gain closet on back bedroom and have plans if you would like to see them.

Mr. Wilson: Like a back stairway?

Mr. Poltorak: Yes. Half of the proposed addition is already there – there is a cover for the back door that has block and slab and framed out. I am going over about 6 more feet.

Mr. Johnson: You have 3 steps down and landing.

Mr. Poltorak: Yes.

Ms Raffo: I Move to hold a Public Hearing on February 9, 2009 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: The variances are for 1) area from 3 acres to 0.25 for an existing dwelling; rear yard 70 to 26ft.

Ms Raffo: 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 week. Take that notice, copy it and mail it to everyone on the list at least 15 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 Raffo: Any questions please give the office a call.

Hanley Sign Company: (signs)

Ms Raffo: Sign on back of building an need variance.

Applicant: Back side and 2 over sized.

Mr. Wilson: The square footage?

Applicant: 227 sq/ft and we have without the back we have 225. we will be over 73 sq/ft or 300 sq/ft total.

Mr. Wilson: Will this be bigger?

Applicant: All the same size. Same concept on this building as across the street.

Ms Raffo: The variance is sign area from 227 sq/ft to 300 sq/ft; and sign on the back of the building.

Ms Raffo: I Move to hold a Public Hearing on February 9, 2009 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded;

Ms Raffo: 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 week. Take that notice, copy it and mail it to everyone on the list at least 15 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:

Ms Raffo: There being no further items to be presented to the Board, I Move to close the Meeting at 8:32pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL
ZONING BOARD OF APPEALS

DECISION SHEET

January 12, 2009

Greenwood Realty Co./
Richard Cappelluzzo:

Request for a variance of 249-20(D)(1)

Lot area, width and frontage:

Area: Lot #1 from 1.5 acres to 0.49 acres
 Lot #2 from 1.5 acres to 0.47 acres
 Lot #3 from 1.5 acres to 0.45 acres
 Lot #4 from 1.5 acres to 0.43 acres
 Lot #5 from 1.5 acres to 0.77 acres
 Lot #6 from 1.5 acres to 0.82 acres

Lot width: Lot #1 from 150ft to 125.86 ft
 Lot #2 from 150ft to 106.0 ft
 Lot #3 from 150ft to 106.0 ft
 Lot #4 from 150ft to 106.0 ft
 Lot #5 from 150ft to 105.0 ft
 Lot #6 from 150ft to 105.0 ft

Lot frontage: Lot #1 from 150ft to 125.16 ft
 Lot #2 from 150ft to 106.0 ft
 Lot #3 from 150ft to 106.0 ft
 Lot #4 from 150ft to 106.0 ft
 Lot #5 from 150ft to 105.0 ft
 Lot #6 from 150ft to 105.01 ft

For construction of six (6) houses

Property located at 582 and 588 Silver Lake Scotchtown
Road

(82-2-1.1) (81-2-1.2)

Designated R-2

DECISION: Variances granted

Venda Properties:

Request for a use variance
(mine, sand and gravel)
Property located on Goshen Turnpike
(60-1-68.13)
Designated OR

Continue to February 9, 2009

Quick Chek

Request for a variance of 249-8(a):
1. accessory building (canopy) closer to the road than the
front of the main building.
2. sign variances as stipulated on the application
Property locate at East Main Street (601 Dunning Road)
(78-1-94)
Designated OR

DECISION: Variances granted

James & Shirley Fischer

Request for a variance of 249 (lot area):
1. from 2 acres to 1.87 acres
To install outdoor wood burner
Property located at 650 Scotchtown Collabar Road
(20-1-25.1)
Designated RA

DECISION: Variance granted.

Wayne A. Kelvasa

Request for a variance of 249-3:
1. accessory building from 28x28ft to 24x40ft
Property located at 378 Howells Road
(32-1-31.31)
Designated RA

DECISION: Variance granted

Rick J. Vidal (Alzina Fayan)

Request for a variance of 249 (road frontage):
1. front yard set back from 200ft to 187ft;
Property located on Van Dozar Road
(65-1-42)
Designated RA

DECISION: Variance granted

William and Laurie Yungmann

Request for a variance of 249-3 (area and accessory):

1. area from 18,750 sq/ft to 15,445 sq/ft
2. two (2) story garage 36ft x 36ft

To house an up-stairs apartment

Property located at 667 County Highway 78

(49-1-59)

Designated R-1

DECISION: Variance granted subject to,

Stipulation that the 2 story garage with an apartment upstairs is for family use only; not a rental property.

SIX MONTH EXTENSIONS:

Leslie Rogers Newman

Request for a six month extension for variance granted on January 14, 2008, of 249-20(12)(1) (front yard set back) on an existing non-conforming lot, extended July 2008::
1) front yard from 150ft to 100ft
Property located on M&M Road
(14-1-11)
Designated R-2

Previously granted subject to,
no further variances being granted on this lot
and building set backs

DECISION: Six month extension granted,

Fedele Holdings, LLC.:

Request for a six month extension for variances of 249-20(D) (lot width and frontage) granted July 14 2008:
1. lot width from 200ft to 189ft
2. lot frontage from 200ft to 189ft
For single family home
Property located Fair Oaks Road
(22 - 2 - 4 and 5)
Designated R-2

DECISION: Six month extension granted

John M. Gesztesi:

Request for a six month extension on area variance granted July 14, 2008:
1. side yard from 20ft to 10ft
2. 2 side yards from 40ft to 20ft
3. lot area from 10,000 sq/ft to 7,500 sq/ft
4. lot width from 100ft to 50ft
Construction of a single family dwelling
Property located at 8 Fair Avenue
(74-5-3)
Designated HC

Previously granted subject to;
No further variances being made to the
plans presented

DECISION: Six month extension granted

Raymond & Tim Smith: Request for a six month extension to variances granted
April 14, 2008:

Request for a variance of 249-22(D)(1):

1. area from 18,750 sq/ft to 12,035 sq/ft;
2. lot width from 100 to 83 ft;
3. lot frontage from 100ft to 83ft;

For a 2 family residence

Property located at 214 Watkins Avenue
(36-12-6.2)

Designated R-1

DECISION: Six month extension granted t April 14, 2009
subject to the following: The house will be built and meet
all required setbacks and no further variances will be
granted

Publication on January 16, 17 or 18

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing of the Zoning Board of Appeals of the Town of Wallkill, Orange County, New York will be held at the Town Hall, 99 Tower Drive – Building A, Middletown, New York on the 9th day of February, 2009, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Lawrence Poltorack, 479 Rt 17 K, Bloomingburg, New York 12721 for a variance of 249-19 (D)(1) (area / rear yard) for the property of Lawrence Poltorack, 479 Rt 17K, Bloomingburg, New York 12721. Property (5-1-53) located at 479 Rt 17K, Bloomingburg, New York 12721 and designated R-A.

All parties of interest will be heard at the said time and place.

E. Raffo
Zoning Board of Appeals

Publication on January 16, 17 or 18

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing of the Zoning Board of Appeals of the Town of Wallkill, Orange County, New York will be held at the Town Hall, 99 Tower Drive – Building A, Middletown, New York on the 9th day of February, 2009, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Hanley Sign Company, 26 Sicker Road, Latham, New York 12110 for a sign variance for the property of CRH Realty II, LLC, 155 Crystal Run Road, Middletown, New York 10941. Property (60-1-52.22) located at 95 Crystal Run Road, Middletown, New York 10941 and designated O/R.

All parties of interest will be heard at the said time and place.

E. Raffo
Zoning Board of Appeals