

TOWN OF WALLKILL ZONING BOARD OF APPEAL

MEETING MINUTES

FEBRUARY 6, 2006

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

Joseph Owen, Esq.

EXCUSED: R. Sullivan

MEETING OPENING:

The February 6, 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 January 9, 2006 Meeting Minutes.

The Motion was made to accept the minutes as written; 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 March 13, 2006 meeting and application continued.

REVIEWS (March 13, 2006)

**CYNTHIA ANDERSON:**

Mr. Mattatall: This is for a side yard from 40 to 18 feet and side yards from 100ft to 97ft.

Mr. Mattatall: I Move to hold a Public Hearing on March 13, 2006 at 7:30pm 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.

**MEL FERRER (Boneim, LLC / Technion / Jada Developers, LLC.):**

Mr. Mattatall: This is a request for area from 40,000 sq/ft to 30,700sq/ft and two side yards down to 88ft.

Mrs. Thompson: What are your plans for this?

Applicant: To put a house on the land.

Mr. Mattatall: Any questions from the Board?

Mr. Mattatall: I Move to hold a Public Hearing on March 13, 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 HEARINGS:

VIVIAN A. LYONS: Request for a variance of 249-22-D:  
1) rear yard from 30ft to 20ft;  
Property located at 12 Sheffield Drive;  
SEC 86 BL 1 LOT 43;  
Designated R-1.

Mrs. Thompson: The mailings were reviewed by the Board and field by the Secretary. The Public Hearing notice was read at 8:15 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:16 pm.

Mr. Mattatall: Please present your application. This was built on the back of the building without a variance. The building inspector has accepted the project as long as you get the variance.

Ms Lyons: Yes, sir.

Mr. Mattatall: Any questions from the Board?

Mrs. Thompson: It seems that everyone in the area has something in the back too.

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

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

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

Mr. Mattatall: I Move to grant the following variance: rear yard from 30ft to 20ft; Seconded.

DISCUSSION:

(None)

VOTE:

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

DECISION:

Mr. Mattatall: The Motion is passed and variance granted. Please see the building department. You have six months to get the building permit. If it goes past that you will need to return and do the whole process again.

ROG VIC HOLDING CORP: Request for a variance of 249-22-D:  
1) area from 12,500 sq/ft to 6,534 sq/ft;  
2) width from 80ft to 48ft;  
3) 1 side yard from 15ft to 9ft;  
4) 2 side yards from 30ft to 27ft;  
For rebuilding an existing non-conforming house.  
Property located at 280 Highland Avenue – Ext.  
SEC 39 BL 10 LOT 14;  
Designated R-1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:21 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:22 pm.

Mr. Mattatall: Please explain your application.

Applicant: We are trying to rebuild a house that burned down on that site there. And the time frame for rebuilding it expired.

Mrs. Thompson: When did the building burn?

Applicant: It burned down 2003; I purchased it in 2004. It took a year to settle the family estate. Then I came in shortly thereafter and applied and did not realize I had let the time lapse.

Ms Guenste: You bought it after it was burned down?

Applicant: Yes.

Mr. Mattatall: That was not a non-conforming use – it's a non-conforming lot.

Applicant: Right.

Mr. Mattatall: Okay. And the purpose for putting the house on property?

Applicant: It is just going to be a rental house – I own the adjacent property.

Ms Guenste: My big concern is – I see you have your trucks and everything out back and you don't have a garage for your vehicles – what are you going to do?

Applicant: The lot is for people's cars who are renting.

Ms Guenste: Because I know a lot of the properties there don't have...some of the houses on the same lot don't have garages. My concern is that it would be used.

Applicant: There was a previous garage on the property.

Ms Guenste: I know the one that was there was a lot smaller.

Applicant: We can build the garage if the foundation is still there. We cut it back from 3 –4 bays back to 3 small bays.

Ms Guenste: When I was there there was nothing – a trucked parked there. Where the truck was parked there was a tree – is that where the garage is going to be?

Applicant: Yes.

Mr. Mattatall: Any other questions from the Board?

Mrs. Thompson: I have a question – the lot size was reduced to 6534 sq/ft? How wide is the front of the house?

Applicant: The front of the house...

Mrs. Thompson: I mean the width...

Applicant: 22-24 feet it is pretty narrow house and is like 632 ft.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 8:24 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances: 1) area from 12, 500 sq/ft to 6,534 sq/ft; 2)width from 80ft to 48ft; 3) 1 side yard from 15ft to 9ft; 4) 2 side yards from 30ft to 27ft; Seconded.

DISCUSSION:

(None)

VOTE:

In favor ( aye): 5

Guenste, Johnson, Raffo, Thompson, Mattatall

Opposed (nay): 0

DECISION:

Mr. Mattatall: The Motion is passed and the variances are granted. Please see the building department. The variance is good for 6 months and if you don't have the project started, you will need to ask for an extension before the 6 months are up or it will be necessary to reapply for the variances.

594 EAST MAIN ST., LLC.: Request for a variance of 249-11 (sign placement):  
For the location of a sign on property as described in  
Proposal #2.  
Property is located at 594 East Main Street;  
SEC 73 BL 1 LOT 20.  
Designated: HC.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:25pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:26 pm.

Mr. Mattatall: Please present your application – have there been any changes to the proposal 2 for the sign placement?

Applicant: No.

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

Mr. Mattatall: Any questions from the Public for this application?

Mr. Broady: What is it he wants?

Mr. Mattatall: It is for a sign – putting in a sign for a new dentist’s office. The sign will be 8 feet off the road because it is just a little closer than allowed.

Mr. Broady: Thank you.

Mr. Thompson: Which one are you working off?

Mr. Mattatall: This one here (showed her) the one further away from the roadway.

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

Mr. Mattatall: I Move to close the Public Hearing at 8:28 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance of 249-11 (sign placement) as described in Proposal #2; Seconded.

DISCUSSION:

(None)

VOTE:

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

DECISION:

Mr. Mattatall: The variance is granted and you have 6 months for the variance. If it is not up in that time, you will need to request an extension preferably in 5 months.

WALTER MURACH /  
JAMES RHEIN:

Request for a variance of 249-20-C:  
1) lot width from 200 ft to 106ft;  
Property located at 410 Pocatello Road;  
(SEC 64 BL 1 LOT 17.224);  
Designated R-2.

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. Mattatall: This was property previously given a variance and you let it expire.

James Rhein (Applicant): I turned it in to the building permit but in 2003.

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

Mr. Mattatall: Any questions from the Public?

Joe Slonka (Public): I did not received a certified mail – just a plain one and none of our neighbors are here either.

Mr. Mattatall: We have the...you received this.

Joe Slonka (Public): Yes but not certified.

Mr. Mattatall: It doesn't matter it can be certified or registered mail. This form of mailing (showed the proof of mailings presented by applicant) counts. And the fact you are here with this addressed to you shows you were notified. I have a problem with him turning a huge pile of brush at night. We called the police they could not stop him – it was 10 o'clock at night and within 60 feet of 2 houses. I asked the gentleman why he was doing it he said 'because I can'. This is with a 10-15 mph wind. Because of that we have left the property in this shape. He has 10 foot berms or mounds for over a year and a half. Garbage brought in by gentlemen a Home Depot truck.

Mr. Mattatall: That stuff is still there?

James Rhein: Yes, still there.

Mr. Mattatall: I went there last week is when I went by there. Is that your garbage?

James Rhein: I don't image ... they use it as a drop. I did look out though.

Joe Slonka (Public): The culvert has been half full with silt and sediment right from the get go.

Mr. Mattatall: We don't deal with those issues – the building inspector does.

Joe Slonka (Public): We have approached the Town with it and they say they can't do anything about it. Unfortunately I am left to live next to a dump like this.

Mr. Mattatall: I can't answer that issue is to grant a variance to allow a residence to be built on the property, though.

Joe Slonka (Public): I would like to make sure that where ever the septic is put that they know where ours is.

Mr. Mattatall: The septic designs – are health department – we make the health department review them.

Joe Slonka (Public): That is clay out there and will not break.

Mr. Mattatall: Where are you with the septic design?

James Rhein: I am through with that. It was signed off already. We have gone through this with them the last time around.

Mrs. Thompson: I have a question about that burning. Did you have a permit?

James Rhein: I had a DEC permit for the burning for that.

Joe Slonka (Public): Yes he did but at 10 o'clock at night with the flames shooting up in the air.

James Rhein: We did it at night so we could see the embers and did not burn anyone's house down.

Joseph Owen, Esq.: Those are issues that should be taken up with the Code Enforcement Officer. That is the person you need to speak with. This board does not deal with that.

Joe Slonka (Public): I am just sharing my concern then that if anything happens again, the property should not look like that again.

Joseph Owen, Esq.: If you want a property map, maybe the Board can give you a copy of the map you can take with you. The issues you have are not to be addressed here but the building department who can take action if they feel there is merit.

Joe Slonka (Public) I realize you told me to not address these things but to the building department – is it common to do it at 11:00pm at night?

Joseph Owen, Esq.: That is something you have to find out from the building department – if it is legal or not.

Joe Slonka (Public): I can't give you an answer even if I know the answer in this venue. We do understand.

Mr. Mattatall: The building department takes care of that. There may not be a time frame with the burning permit.

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

Mr. Mattatall: I Move to close the Public Hearing at 8:38 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following lot width variance from 200ft to 106 ft; Seconded.

DISCUSSION:

Ms Guenste: I will vote yes but would like to see it cleaned up.

VOTE:

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

DECISION:

Mr. Mattatall: The variance is granted, please see the building department. Your variance is valid for 6 months

TODD LYONS: Request for a variance of 249-20-D:  
1) area from .75 acres to .23 acres;  
2) lot width from 200 ft to 100ft;  
3) lot depth from 250 ft to 100ft;  
4) front yard from 35ft to 20ft;  
For construction of a single-family dwelling.  
Property located on Pocatello Road  
(SEC 66 BL 2 LOT 2);  
Designated R2.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:39 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:40pm.

Mr. Mattatall: Please explain the project that is going in there? This is a small pre-existing lot out there. Single family house you are putting on this?

Applicant: Yes. There are 2 lots put together.

Mr. Mattatall: Yes, there are quite, quite small lots out in that section there. This will be effectively be...who owns the property next to you that would be an empty lot? Next Middletown.

Applicant: That is a small lot there, too.

Mr. Mattatall: Half the size of what you are going to be building on that is immediately next to it. They can't build much of anything there. The lot is down by Maple Avenue.

Mrs. Thompson: Can we the variance on this?

Applicant: You can subject to the approval. The county got back to me for some more information.

Mr. Mattatall: He has already written a letter that addresses that we can make it a condition and our variance is pursuant to acceptance by the Health Department for the septic

Ms Guenste: As far as the houses that are there regarding size. You have the driveway off the back?

Applicant: the off street – Pocatello.

Ms Guenste: Which way will it face?

Applicant: Pocatello. The lot is a Pocatello address.

Ms Guenste: This house is sort of...

Applicant: ... that house is a piece of a attached trailer (looking at the map).

Mr. Mattatall: Less traffic on the small road in the back though.

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 8:44 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances of 249-20-D: 1) width from 200ft to 100ft; 2) depth from 250ft to 100ft; 3) front yard from 35ft to 20ft; 4) area from .75 to .23 acres; Seconded.

DISCUSSION:

Ms Guenste: Doesn't the road have to be 75 feet from the septic?

Mr. Mattatall: That is why the county health department reviews them.

Ms Guenste: I will vote yes subject to the approval by Orange County Health Department with regard to the septic system.

VOTE:

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

DECISION:

Mr. Mattatall: The variances are granted. Please see the building department. They are good for 6 months. If you don't, request a variance extension or the whole process starts over again.

JOE FINI: Request for a variance of 249-26A(12)a:  
1) area from 20,000 to 9600 sq/ft;  
2) lot width from 130 ft to 80ft;  
3) side yard from 50ft to 20ft;  
For construction of a single-family dwelling.  
Property located at Bellvernon Avenue;  
(SEC 77 BL 7 LOT 5 and 6);  
Designated HC (joining 2 lots R-1 and HC).

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:46 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:47 pm.

Mr. Mattatall: The property spans 2 zonings. When you joined the properties together you have to go with the more stringent zoning which means in PID you can't build a house.

Mr. Mattatall: How many square feet is this combined?

Dan Yonish: 9,690 feet.

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

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

Peter Ohlick (Public): Yes.

Mr. Mattatall: It would not happen to be your property there?

Peter Ohlick: Yes and the other side.

Applicant: I bought this nearly 20 years ago and the changes that have happened in that area from when I bought it when I did the house and the neighbors came along – they shook my hand said ‘ *you are fixing up the place, I think I'll fix up mine*’.

Mrs. Thompson: That whole row of houses has been cleaning up one after the other.

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

Mr. Mattatall: I Move to close the Public Hearing at 9:01 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances: 1) area from 20,000 sq/ft to 9600 sq/ft; 2) lot width from 130 ft to 80ft; 3) side yard from 50ft to 20ft; subject to Planning Board's Approval on the joining of the 2 lots; Seconded.

DISCUSSION:

Ms Guenste: The gentleman has owned it for 18 years.

VOTE:

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

DECISION:

Mr. Mattatall: The variances are granted. They are valid for 6 months. If you have not started by that time you must return for an extension.

Applicant: Thank you.

CORRESPONDENCE:

Mr. Mattatall: We have received a request for a six month extension from Wall Mart Stores:

Mr. Mattatall: I Move to grant a six (6) month extension to variance granted on September 12, 2005: Variance: 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 (SEC 78 BL 2 LOT 5.12); Designated MI; Seconded; All in favor; Motion carried.

MEETING CLOSE:

Mr. Mattatall: There being no further items to be presented to this Board, I Move to close the February 6, 2006 Meeting of the Town of Wallkill Zoning Board of Appeal at 9:04 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL  
ZONING BOARD OF APPEALS

DECISION SHEET – FEBRUARY 6, 2006

VIVIAN A. LYONS:

Request for a variance of 249-22-D:  
1) rear yard set back from 30ft to 20ft;  
Property located at 12 Sheffield Drive;  
(SEC 86 BL 1 LOT 43);  
Designated R-1.

DECISION: Variance granted.

ROG VIC HOLDING CORP.:

Request for a variance of 249-22-D:  
1) area from 12,500 sq/ft to 6,534 sq/ft;  
2) width from 80ft to 48ft;  
3) 1 side yard from 15ft to 9ft; and,  
4) 2 side yards from 30ft to 27ft;  
For rebuilding of an existing non-conforming house.  
Property located at 280 Highland Avenue – Extension  
(SEC 39 BL 10 LOT 14 );  
Designated R-1.

DECISION: Variances granted

594 EAST MAIN STREET:

Request for a variance of 249-11 (sign placement):  
1) for location of sign on property as described in Proposal  
#2;  
Property located at 594 East Main Street;  
(SEC 73 BL 1 LOT 20);  
Designated HC.

DECISION: Variance granted

WALTER MURACH /  
JAMES RHEIN:

Request for a variance of 249-20-C:  
1) lot width from 200ft to 106ft;  
Property located at 410 Pocatello Road;  
(SEC 64 BL 1 LOT 17.224);  
Designated R-2.

DECISION: Variance granted

TODD LYONS:

Request for a variance of 249-20-D:

1) area from 0.75 acres to .23 acres;  
2) lot width from 200ft to 100ft;  
3) lot depth from 250ft to 100ft;  
4) front yard set back from 35ft to 20ft;  
For construction of a single-family dwelling.  
Property located on Pocatello Road;  
(SEC 66 BL 2 LOT 2);  
Designated R-2.

DECISION: The variances approved subject to:

Approval of the septic system by the Orange  
County Health Department.

JOE FINI:

Request for a variance of 249-26A(12)a:  
1) area from 20,000 sq/ft to 9,600 sq/ft;  
2) lot width from 130 ft to 80ft;  
3) side yard from 50ft to 20ft;  
For construction of a single family dwelling;  
Property located on Bellvernon Avenue;  
(SEC 77 BL 7 LOT 5 and 6);  
Designated: HC (joining of R-1 and HC lot).

DECISION: Variances approved subject to:

Approval by the Planning Board on the  
joining of the two (2) lots.

**REQUEST FOR EXTENSION:**

WALL-MART STORES, INC.  
(SNYDER & SNYDER, LLP.):

Request for a six (6) month extension to variances granted  
on September 12, 2005:

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.  
(SEC 78 BL 2 LOT 5.12);  
Designated MI.

EXTENSION: 6 month extension granted.