

TOWN OF WALLKILL  
ZONING BOARD OF APPEALS

February 9, 2009

PRESENT:

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

J. Owen, Esq.

MEETING OPENING:

Ms Raffo: The meeting was opened with the pledge to the flag, roll call and presentation of the January 12, 2009 Meeting Minutes.

Ms Raffo: I Move to accepted the January 12, 2009 Minutes; Seconded (Wilson); All in favor; Motion carried.

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

**CORRESPONDENCE:**

**Six Month Extensions:**

Michael Palmucci (2/11/08)

Ms Raffo: They are requesting a six month extension because of the troubling economy and banking industry problem. His bank has had to do his financing has gone out of business or reorganizing.

Ms Raffo: I Move to grant a second six month extension to variances granted the applicant on February 11, 2008 for the following variances: Request for a variance of 249-22-D(1): 1) Side yard from 20ft to 10ft; 2) Front yard from 35ft to 12 ft; 3) One side yard from 20ft to 12.5 ft; 4) Area from 18,750 sq/ft to 6,890 sq/ft; 5) Lot width from 100ft to 50ft; 6) Two side yards from 40ft to 23ft; Property located at corners of Brookline Avenue and Victory Street (75-9-1) and Designated R-1 and subject to no further variances to be requested; Seconded (Johnson); All in favor; Motion carried.

Eugene & Carol McGowan

Ms Raffo: They were granted a September 8<sup>th</sup> and which is due to expire in March. They appreciate your extension in these troubling times.

Ms Raffo: I Move to grant a six month extension to variances granted the applicant on September 8, 2008 for the following variances: Request for a variance of 249-22(D)(1): 1) side yard from 20ft to 16ft; 2) side yard from 20ft to 13ft; 3) lot area from 18,750 sq/ft to 14,102 sq/ft; 4) width/lot frontage from 100ft to 80ft; Property located at 10 Carl Place (38 - 9 - 2) and Designated R1, Subject to there being no further changes to the current setbacks; Seconded (Sullivan); All in favor; Motion carried.

Ms Raffo: The six month extension is granted.

**CONTINUED PUBLIC HEARING:**

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

PUBLIC HEARINGS:

Hanley Sign Company

Request for sign variance:

1. permit a sign on the rear of the building;
  2. sign size from 227 sq/ft to 300 sq/ft;
- Property located at 95 Crystal Run Road  
(60-1-52.22)  
Designated O/R

Ms Raffo: The mailings were reviewed by the Board and filed for the record and receipt of check noted. The Public Hearing Notice was read at 7:35 pm.

Ms Raffo: I Move to open the Public Hearing at 7:36 pm; Seconded; All in favor; Motion carried.

Applicant: They want to add a 4<sup>th</sup> sign on side of the building facing Interstate I-84. The first three (3) signs are correct.

Ms Raffo: This brings the total square footage to 300 sq/ft.

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

Ms Raffo: Any questions from the Board?

Mr. Wilson: Will the size of the sign in the back be the same as the others?

Applicant: Yes. All four will be the same.

Ms Raffo: I Move to close the Public Hearing at 7:38pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following sign variances: 1) placement of fourth sign on the rear of the building; 2) increase of square footage from 227 sq/ft to 300 sq/ft; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye) 7: Johnson, Petelinz, Sullivan, Wilson, Dunn, Najac, Raffo  
Opposed (nay): 0

DECISION:

Ms Raffo: The variances are granted and good for six months. See the Building Department for your permits.

Lawrence Poltorack

Request for a variance of 249-19(D)(1):  
1. lot area from 3 acres to 0.25 acres;  
2. rear yard setback from 70ft to 26ft;  
Property located at 479 Rt 17-K  
(5-1-53)  
Designated RA

Ms Raffo: The mailings were reviewed by the Board and filed for the record. The Public Hearing Notice was read at 7:40 pm.

Ms Raffo: I Move to open the Public Hearing at 7:41 pm; All in favor; Motion carried.

Ms Raffo: Tell us what you are wanting to do.

Applicant: We want to put on small addition to the house – enclose the staircase so I don't have to go outside to go down stairs.

Ms Petelinz: On the application it says it is for a rear yard set back from 70ft and are you also asking for lot area variance?

Applicant: Yes, that is existing. The rear is existing.

Ms Raffo: From 32ft t 26ft it looks like.

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 7:44 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variances: 1) rear yard set back from 70ft to 26ft; 2) lot area from 3 acres to 0.25 acres to put extension on back of house; Seconded (Wilson).

DISCUSSION: (None)

VOTE:

In favor (aye): 7 Najac, Dunn, Wilson, Johnson, Petelinz, Sullivan, Raffo  
Opposed (nay): 0

DECISION:

Ms Raffo: The variances are granted and good for only six months, if you have not started work by that time you will have to request an extension or start the process over.

HEARING REVIEWS: March 9, 2009

Transparently Green:

Applicant: Shotty addition on back of the house and want to put in a real foundation and it is just a blow out on the back. Now it is just sitting on block and want to make it a real foundation.

Mr. Johnson: You will remove what is there, and put in new foundation on just the back piece.

Ms Petelinz: Same foot print as one you are taking down?

Applicant: Yes. It is literally on block, not really legal. It is right by the fire house.

Ms Raffo: This is for a side yard from 20ft to 1.8 ft. Make sure that is correct please check your measurements.

J. Owen, Esq: How much does have in the back?

Applicant: I think it is close to 60 feet.

Mr. Johnson: What do you need the front? You want to cover everything at one time you can.

Ms Raffo: The existing building and only side yard is needed.

Ms Raffo: Get that measurement before you come in next month. You have 69 feet.

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

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.

Jim Beamesderfer:

Mr. Beamesderfer: On November 19<sup>th</sup> went to the Planning Board for Shaw Road and 2 story house and the old model make shop (1 story house) my wife inherited that property and want to use that shop for something as it has been vacant and use it as a dwelling. It is zoned R2 and need variance for 2<sup>nd</sup> non conforming use on the property. All pre existing building. Outside will not change, just the inside from retail to one apartment.

Ms Najac: Do you own land next to it?

Mr. Beamesderfer: My mother in law owns to the right – do you see existing well off property – it is my in-law on other side is mid Hudson steel which is now All Steel. Originally PID and rezoned recently to R2.

Ms Raffo: The property is right on the property line and this is for a 2<sup>nd</sup> residence on existing building on the property.

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

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.

MPO Federal Credit Union:

Kevin Duggan, Fellenzer Engineering: They bought property of Carpenter and East Main Street and there is a yellow house on the corner. Tearing down Hassen and putting an extension on yellow house for the credit union. First page is existing conditions with the house and set backs of 22.8 and 23 front porch and 35 set back in HC zone there. Page 2 shows you the new building shaded area is existing building and cross hatched new building falls within set backs on east main street. We are adding to non-conforming on 62 feet on East Main. Carpenter Avenue side existing building is 21 feet but not adding to that non-conforming. The PB sent us here for additional non-conformance - set back front yard; not change existing set back of 22.8 ft since within it we are adding to non-conformance. Recognize additional non-conformance.

Ms Raffo: This is for a front yard set back for addition to existing nonconforming building from 35ft to 22.8 feet.

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

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.

Joseph Fini

Dan Yanosh: This is existing 7.6 parcel in RA-1 zone recently created 5 acre lots adjacent to smaller 2 and ½ acre lots. In 2006 an acre taken off to added to additional west property which was only an acre at the time. Back in 2006 it was 8.76 acre lot and again we have road frontage on 2 roads; very good soils 13-B soil Group I and doing perk shortly. Nice old gravel bank area. From 5 acres he probably put up small house and he divided up so each 3 acres and variance 1.72 and couple of years ago asking for less. We match and are a little bigger than what is on Stony Ford and Stage Roads.

Mr. Johnson: He is going to build both houses and sell them?

Mr. Yanosh: Yes like Catalano, 5 acres is nice for other areas and in this economy it would not be easy.

Ms Petelinz: Show me where the road frontages are? (he showed her)

Ms Raffo: There is 136.48 feet on Stony Ford.

Mr. Yanosh: It has to be 200 feet even though existing.

Mr. Wilson: The subdivision was done in 1978 of 6 acres on the right. Lands of Stony Ford LTD. The original back in 1978.

Ms Raffo: This is for a 2 lot sub division 5 acres to 3.83 acres and lot frontage on Lot #2 200 ft to 135.9ft.

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

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 8:17 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL  
ZONING BOARD OF APPEALS

**DECISION SHEET**

February 9, 2009

Venda Properties:

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

Continue to March

Hanley Sign Company

Request for sign variance:  
1. permit a sign on the rear of the building;  
2. sign size from 227 sq/ft to 300 sq/ft;  
Property located at 95 Crystal Run Road  
(60-1-52.22)  
Designated O/R.

DECISION: Variances granted

Lawrence Poltorack

Request for a variance of 249-19(D)(1):  
1. lot area from 3 acres to 0.25 acres;  
2. rear yard setback from 70ft to 26ft;  
Property located at 479 Rt 17-K  
(5-1-53)  
Designated RA

DECISION: Variances granted

**SIX MONTH EXTENSIONS:**

Eugene & Carol McGowan (9/8/08): Request for a six month extension on variances granted September 8, 2008:

Variance granted of 249-22(D)(1):

1. side yard from 20ft to 16ft
2. side yard from 20ft to 13ft
3. lot area from 18,750 sq/ft to 14,102 sq/ft
4. width/lot frontage from 100ft to 80ft

Property located at 10 Carl Place

(38 - 9 - 2)

Designated R1

DECISION: Variances granted subject to:

No further changes to the current setbacks

Six month extension granted.

Michael Palmucci (2/11/08):

Request for a second six month extension on variances granted February 11, 2008:

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

1. Side yard from 20ft to 10ft
2. Front yard from 35ft to 12 ft
3. One side yard from 20ft to 12.5 ft
4. Area from 18,750 sq/ft to 6,890 sq/ft
5. Lot width from 100ft to 50ft
6. Two side yards from 40ft to 23ft

Property located at corners of Brookline Avenue and Victory Street

(75-9-1); Designated R-1

Decision: Variances granted subject to:

No further variances to be requested

DECISION: Six month extension granted

Publication on February 12, 13 or 14

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 9<sup>th</sup> day of March, 2009, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Transparently Green (Matthew Bates), Four Hidden Meadow, Warwick, New York 10990 for a variance of 249 for the property of Justin Tracer, 100 Excelsior Avenue, Middletown, New York 10940. Property (75-12-7) located at 100 Excelsior Avenue, Middletown, New York 10940 and designated R-1.

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

E. Raffo  
Zoning Board of Appeals

Publication on February 12, 13 or 14

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Jim Beamesderfer, 41 Jaime Court, Morris Plains, New Jersey 07950 for a variance of 249 (use variance) for the property of Debbie and Jim Beamesderfer, 41 Jamie Court, Morris Plains, New Jersey 07950. Property (24-1-53.2) located at 48 Shaw Road, Middletown, New York 10941 and Designated R-2.

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

E. Raffo  
Zoning Board of Appeals

Publication on February 12, 13 or 14

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MPO Federal Credit Union, 11 Center Street, Middletown, New York 10940 for a variance of 249-D for the property of MPO Federal Credit Union, 11 Center Street, Middletown, New York 10940. Property (74-10- 4, 5, 6, 7 and 8) located at 15 Carpenter Avenue, Middletown, New York and Designated HC.

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

E. Raffo  
Zoning Board of Appeals

Publication on February 12, 13 or 14

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PUBLIC HEARING NOTICE

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Joseph Fini, Six Farm Cross Way, Goshen, New York 10924, for a variance of 249(E)(1) for the property of Joseph Fini, Six Farm Cross Way, Goshen, New York 10924. Property (61-1-44) located at Stage and Stony Ford Roads and Designated RA-1.

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

E. Raffo  
Zoning Board of Appeals