

TOWN OF WALLKILL  
ZONING BOARD OF APPEAL

FEBRUARY 12, 2007

PRESENT:

N. Guenste  
E. Johnson  
R. Sullivan  
E. Raffo  
S. Wilson

J. Owen, Esq.

MEETING OPENING:

The February 12, 2007 Meeting of the Town of Wallkill Zoning Board of Appeals opened with the pledge to the flag followed by the presentation of the January 8, 2007 Meeting Minutes.

The Minutes were reviewed by the Board. The Motion was made to accept the minutes as written; Seconded; All in favor; Motion carried.

The following reviews were made for March 12, 2007, continuation held and public hearings conducted.

CORRESPONDENCE:

Ms Raffo: The following are requests for six (6) month extensions:

**Todd Lyons:** Request for a six month extension on variance extensions granted on August 14, 2006 which were originally granted on February 6, 2006: Request for variance of 249-20-D: 1) area from .75 acres to .23 acres; 2) lot width from 200ft to 100ft; 3) lot depth from 250ft to 100ft; 4) front yard setback from 35ft to 25ft; For construction of a single-family dwelling; Property located on Pocatello Road (66-2-2); Designated R-2. The variances were granted subject to: approval of the septic system by the Orange County Department of Health.

Ms Raffo: I Move to grant a second six month extension to TODD LYONS; Seconded; All in favor; Motion carried.

**Mid-Orange Properties Corp.** (ADF Design, Inc.): Request for a six month extension on variances granted on August 14, 2006: Request for variance of 249-27 D(1) : 1) side yard set back from 100ft to 24.9 ft; For addition to back of existing building. Property located at 26 Scotchtown Collabar Road SEC 45 BL 2 LOT 1; Designated R-2 and MI.

Ms Raffo: The applicant is currently in front of the Planning Board of site plan approval.

Ms Raffo: I Move to grant a six month extension to MID-ORANGE PROPERTIES (ADF DESIGN, INC.); Seconded; All in favor; Motion carried.

**Laura & James P. Fiorillo:** Request for a six month extension on variances granted on August 14, 2006: Request for the following variances of 249-20(A): 1) Front yard set back from 35 ft to 24ft 6 inches; 2) Lot width from 150ft to 106ft; 3) Area from .75 acres to .70 acres; 4) 249-8(5): accessory building in front of primary building (residence); 5) 249-3: oversized accessory building to 27 ft 6 inches x 32 ft 6 inches; Property located at 24 Mud Mills Road; SEC 40 BL 1 LOT 17.2; Designated R-2.

Ms Raffo: They have requested an extension because they are revising the plan as it was denied by the Planning Board.

Ms Raffo: I Move to grant a six month extension to LAURA & JAMES P. FIORILLO; Seconded; All in favor; Motion carried.

CONTINUATION:

CROSS VIEW REALTY: Request a variance of 249-292:  
To permit a cul-de-sac of 2780 feet.  
Property located on Scotchtown Collabar Road  
SEC 19 BL 1 LOT 10

Ms Raffo: I Move to continue the Public Hearing of Cross View Realty; Seconded; All in favor; Motion carried.

Michael Donnelly, Esq.: I am joined here with Lorraine Potter of Land & Tully. I understand you do not have a full compliment this evening.

Ms Raffo: No don't. We are awaiting the name of the new appointed member.

Michael Donnelly, Esq: I would like to continue the hearing in the spirit of the agreement until you have a full member board present at the continuation. I have spoken with Mr. Owen, and want to continue to March at which time everyone should be present. I have spoken to the Town Clerk. In the spirit of what we have discussed, can you announce the continuation to the public?

Ms Raffo: I Move to continue the Public Hearing to March 12, 2007; Seconded; All in favor; Motion carried.

Ms Raffo: If there is anyone here for Cross View, they are going to be continued on March 12, 2007?

PUBLIC HEARINGS:

MICHAEL A. GURDA, IV      Request for a variance of 249-3  
1. 28x28ft to 36 x 28ft;  
For an oversized accessory building.  
Property located at 346 Bowser Road  
SEC 36 BL 1 LOT 96  
Designated R-2.

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

Ms Raffo: I Move to open the Public Hearing at 7:45 pm. Please present your application.

Mr. Gurda: I am requesting an over-sized accessory that is 8 feet wider than the 28 feet for a more residential look and so it will look more like a carriage house than an accessory building.

Ms. Raffo: Any questions from the Board? (no)

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

Ms Raffo: I Move to close the Public Hearing at 7:47 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variance for an accessory from 28x28ft to 36x26ft; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 5              Guenste, Johnson, Sullivan, Wilson, Raffo  
Opposed (nay) 0

DECISION:

Ms Raffo: The variance is granted. See the building department. The variance is valid for six months if you have not started work before that time, come in before and request an extension.

MICHAEL SAPP

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

1. Rear yard from 30ft to 26ft;
2. Side yard from 20ft to 3ft;
3. Side yard from 20ft to 7ft;

For construction of a deck.

Property located at 13 Evan Court

SEC 76 BL 8 LOT 69

Designated R-1.

Ms Raffo: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:49 pm.

Ms Raffo: I Move to open the Public Hearing at 7:50 pm.

Ms Sapp: This is for an extension of the deck.

Ms. Raffo: Any questions from the Board?

Ms Guenste: This is an area with condos with minute decks on the back and there is an extreme drop down the hill. We have had several people come in for a similar variance. We wish we could do them all in one day.

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

Ms Raffo: I Move to close the Public Hearing at 7:53 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variances for a deck: 1) rear yard from 30ft to 26ft; 2) side yard from 20ft to 3ft; 3) side yard from 20ft to 7ft;; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 5: Sullivan, Guenste, Johnson, Wilson, Raffo

Opposed (nay) 0

DECISION:

Ms Raffo: The variances are granted, please see the building department. Good luck with the new deck.

JEFFREY F. WEINER

Request for a variance of 249-20-C:  
1. side yard from 20ft to 17ft 4 inches  
To construct an addition.  
Property located at 2232 Rt 302, Circleville, NY  
(SEC 10 BL 1 LOT 8)  
Designated R-2.

Ms Raffo: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:54 pm.

Ms Raffo: I Move to open the Public Hearing at 7:55 pm.

Ms Raffo: Please present your application:

Mr. Weiner: I have the drawings here as well (handed to the Board). I am looking for side yard from 20ft to 17.4ft and the other lines, I have a smaller yard. It might be .4.

Ms Raffo: The house had an original variance?

Mr. Weiner: It was built in 1941.

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

Ms Raffo: Any questions from the Public?

Ursela Curren: My question is: will this affect the sale of my house - I am right next door to him - if the variance goes through? There would be less footage between the houses. I have no idea about real estate and the laws.

Ms Raffo: I can't tell you that. It is a minor variance of 3 feet. It is 20ft and he is going to 17 ft something. If you have lived next door and had no problems...

Ursela Curren: Are there any papers I need if it goes through when we go to sale my place? He has been a good neighbor and have no access from Rt 302 to our property. When we had a well problem he allowed us to use it to get to ours.

Mr. Raffo: Any questions from the Board?

Ms Guenste: Construction is already under way.

Mr. Weiner: The builder submitted the permits and the drawings were not certified and I need the variance. He should have checked that out first. We are waiting for this to move on.

Ms Guenste: The siding will match?

Mr. Weiner: It will be stripped go from white to beige. It will be nice when it's done.

Ms Raffo: Any further questions or comment?

Ms Raffo: I Move to close the Public Hearing at 7:59 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variances: side yard from 20ft to 17ft 4 inches; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 5: Johnson, Wilson, Guenste, Sullivan, Raffo  
Opposed (nay) 0

DECISION:

Ms Raffo: The variance is granted and you have 6 months to start construction. If not, please return to request an extension before it expires.

JIM BEAMESDERFER Request for a variance of 249-20 (A)(1): use:  
1. Use variance: two permit a 2 bedroom / 1 bathroom  
caretakers apartment in an existing the horse barn  
Property located at 130 Shaw Road  
SEC 24 BL 1 LOT 55.42  
Designated R-2

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

Ms Raffo: I Move to open the Public Hearing at 8:00 pm. Please present your plans.

J. Beamesderfer: I would like to put a 2 bedroom care taker apartment in the horse barn. It will not look any different than what the barn looks like today. From the outside you can not tell the difference from what it looks like today. We want horses to get the proper care they need and they have to have continuing care. With weather like this which is expected there is ease in getting the care.

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

Ms Raffo: Any questions from the Public?

Ken Stillwagon (adjacent) : when he first took on the project I sold him 10 acres of mine and am happy to have someone to do the work – it is the nicest facility in TOW. I was up there this evening and craftsmanship is phenomenal. I would have something like this next to me and am in agreement in what they are doing. Any concerns the ZBA have it is a top notch project. It is incredible. What he ended up saying, my daughter helps with the horses on occasion and with the expenditure of the horses he has it is important.

Brian Nivenberg: I have the farm across the street. I am not against it but when they want an apartment in a barn, I have 3 smaller in size barns, does that mean I can also? I would like a restriction to be sure it is a care taker's apartment. If the property is sold, the next person can rent out to migrant workers, make an income apartment out of it. It is a nice neighborhood and not zoned for apartments. If one can put apartment on the property can any one else. There has to be restriction for a care taker soit is not out for public rent.

Ms Raffo: Any questions or comments from the Board?

Ms Guenste: A suggestion: we do put a restriction on the variance – I would like to see it used as 'care takers apartment'. This way it covers future use as he said. Years from now if it is sold people don't turn half of the place into apartments. You have done a lot of work.

Ms Sullivan: There are 30 acres, how large is the barn for?

Mr. Beamesderfer: 4 horses in an 8-stall barn.

Mr. Wilson: With accommodations for how many?

Mr Beamesderfer: 8.

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 use variance to permit a 2 bedroom caretaker's apartment with one bathroom in the existing horse barn subject to the following:

The apartment is for the sole use of the caretaker and may not be rented separately;

Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 5: Wilson, Johnson, Guenste, Sullivan, Raffo  
Opposed (nay) 0

DECISION:

Ms Raffo: The variance is granted subject to the condition stipulated. See the building department for any paperwork. The variance is granted for six months if you have not moved on the project by that time, return for an extension or it will expire.

## CRYSTAL RUN HEALTH CARE

Request for a variance of 249-12:

1. Off-street parking reduction

Property located at 95 Crystal Run Road  
SEC 60 BL 1 LOT 52.

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

Ms Raffo: I Move to open the Public Hearing at 8:10 pm. Please tell us about your application.

Michael Archangel: This is for a parking variance for the facility we propose to build this coming year. The building is 127,000 sq/ft medical office and the site is approximately 12 acres located at Ballard and Crystal Run Roads. There was a question raised by the Board - it was approved a few years under different scenario and at that time we will uphold conditions granted on the installation of a signal, the driveway will be full service driveway for ingress/egress and right turn into the site.

We met with the Planning Board on the site plan and coming here for current zoning that is required for medical offices which is 6.7 / 1000. There is a table and we want 159 from the 692 which code requires.

Reasons: We tried to achieve a greater green area now 45%. The Town is looking at the code in place for years. To promote island space and promote the lines of site to the building which we have accomplished. Also relief for the facility across the street basically has 480 spaces. They have been there number of years. He (the applicant) looked at it and 75-100 spaces are unaccounted for during the day at the current facility. They do billing, accounting at that facility. Not the case in this building. We are proposing sleep center that operates in off hours. There is approximately 4600 or 5000 sq/ft for that use. The building is essentially empty at that time. Off hour peak to the road system.

We are contemplating interconnecting the buildings with pneumatic tube from one building to other under ground so there is no need to take samples from one to the other and get in a car. They are looking to alter the start time for office or stagger time of employees during the day.

There is consideration for signals and we have committed with the Town Engineer and are to share in the cost so when go down Crystal Run Road they will be coordinated in the future.

Last month I mentioned a similar variance was granted 10 years at at 75 Crystal Run Road for reduction in parking that is less than what we are proposing: 5.4 per thousand. They are 4 per thousand at 75 Crystal Run Road. This is the Pavilion as they are known.

This facility with the proposal will act as if across the street similar to Pavilion from years ago. Reason for reduction. Any question on type of offices, Rich Rosen is here from Crystal Run Health Care and can answer that.

Ms Sullivan: Out of 127,000 sq/ft those are not billing? Inpatient and offices, so out of that 5000 sq/ft will be used in evening or off regular hours?

Rich Rosen, CRHC: Yes.

Ms Sullivan 122,000 sq/ft you want 851 spots so you are looking at 150 reduced spots. Did you say across the street where Urgent Care is there is 75 to 100 ?

Rich Rosen, CRHC: It has been successful and bursting with services and number of people who come to the building. This is a natural extension of what they are doing. Medical office – it will not make sense to not have enough parking space – as soon as you arrive if you have to circle for parking you'll not come back. This is joint effort with Town – we don't want to see a sea of parking so we had Dr. Teitlebaum look at the survey of the parking lot. Even though it looks full it is not broken out, you can count spaces in the perimeter near Ballard Road you don't see from Crystal Run Road. Even right now with it being more than 100 per cent occupied. The other things is the program. The pneumatic tube, lab and those high density services will not be duplicated, i.e. sleep lab, different types of practices with needs. We have done programming with architect and justified the reduced parking will work.

Ms Sullivan: Combined with the more green space. Can you tell me what increase in green space is? You say you are providing more green space.

Rich Rosen: We don't know that.

Ms Sullivan: I am looking for numbers. How much more green space?

Michael Archangel: About 20%. The town does not have a percentage it is figured differently in this town.

Ms Sullivan: I am concerned because when I go to the present site, I can't find a spot.

Rich Rosen: There is a retail struggle with staff to use the perimeter and closer for patients. He did physical survey and he showed me.

Ms Sullivan: Unless we have number of senior citizens who are waiting for someone closer to leave for space.

Michael Archangel: We have 2 different entrances with HC at the front and back doors.

Rich Rosen: There is parking behind 155 Crystal Run Road and they encourage employees to use. Here the thought process is to have 2 different front and back entrances. Like retail, make it as convenient as possible.

Mr. Wilson: You have number of HC spaces is that based on what should be allotted?

Michael Archangel: So many per size and one thereafter. It is based on the code. That will remain. It is the higher amount.

Ms Guenste: I asked about spaces in other building to figure relationship. How much of 127000 is dead space?

Rich Rosen: I don't know for total, 1<sup>st</sup> floor has 3000 sq/ft in lobby area. gross up factor by architect. 30 to 40% circulation space.

Michael Archangel: Gross of 35% less of the 127,000.

Ms Guenste: Suggestion to see senior spots – try ... a lot of seniors who are not HC.

Rich Rosen: Most people get dropped off and they come with family. We have drive up drop off canopy in 2 area in the other we only have 1.

Mr. Wilson: You asked for 20% parking spaces you are going to have – only way to get it is to go to the green space.

Michael Archangel: The code that exists is outdated, the Town thinks. We can meet required parking but the green area they are proposing would take away from it.

Ms Guenste: What is dead space, hallways, bathrooms, wall? Because if you take square feet you are just measuring and there is a lot of dead spot.

Michael Archangel: As I read code it is gross area.

Ms Guenste: If there is same day surgery it is not like you will have people in out every 15 minutes.

Mr. Johnson: The number is base on use in the code. Some space used longer than others and came up with a number.

Rich Rosen: Remember we like to use black/white comparison. We showed them what the site would look like and they came back and said they would like more green, visual to corridor and not see the cars. We don't want 127,000 sq/ft foot building without adequate parking. We did analysis and what type of programs and not reproduce here. This plan will support what they are proposing. We can do what ever you want.

Michael Archangel: We are going in 2 different directions.

Ms Sullivan: I chaired the Committee and we want green space – I want more, but the reason I am asking for numbers, it will put us in bad position, I want significant. Make sure we are getting a good trade off. I don't want to give you 129 less spots and we get 2 trees.

Michael Archangel: You will find if you get 159 cars and give 20-30% green acres and is immense against the 10 foot spaces. We can do that.

Ms Raffo: Tell us what they require on green space based on the requirement by the town and what you are giving them. And compare the two.

Ms Guenste: I understand what you are doing.

Ms Raffo: We understand what you are doing.

Michael Archangel: May we continue to March?

Ms Raffo: I Move to continue to March 12 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

PUBLIC HEARINGS (March 12 ,2007)

Gregory & Amy Hogan:

Mr. Hogan: Small addition to dining room and are here for a side yard from 20ft to 5.9 feet because of the 9 feet out. The house was built in 1966 and we are not sure what the code was then.

Ms Guenste: That is on the left side?

Mr. Hogan: Looking from street, yes left. Small almost eat-in kitchen. Our neighbors are there and there are no windows on that side and we don't plan to put in windows. You can see out of but it is high with a cathedral ceiling.

Mr. Wilson: How tall?

Mr. Hogan: It is one story but plan it is built into the existing house and into the 2<sup>nd</sup> story.

Mr. Wilson: How far from your line is neighbor's house?

Mr. Hogan: 15 to 20 feet.

Ms Raffo: I Move to hold a Public Hearing on March 12, 2007 at 7:30pm 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 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.

Erick Ring:

Kevin Dugan, Fellenzer Engineering: We are here this property is the old Yegedis Accounting Firm on Dunning Road. He wants to turn it into a sporting goods store and vacant for 5 years. The PB sent us here for variances:

- 1) 50 to 12ft side yard
- 2) front yard 50 to 40ft
- 3) 5000 to 2000 sq/ft area.
- 4) width from 200ft to 146 ft.

He may look to expand to 5000 but want s to see how it goes first. It is approved in PID zone.

Ms Guenste: Looking at the plan and see removal of many of the trees?

Mr. Dugan: In the front, when you take a look at it, lots of steps in the back, the handi cap ramp can't be in the back and to get the driveway in. The only place to put in the drive is to remove a maple tree. There are bushes in front he wants to maintain. Minimize the pavement and work with the PB and understand the Town's interest in trees and bushes in and around.

Ms Guenste: It takes so long to grow and people come in and plant small and die before they grow.

Mr. Dugan: We understand and attempt to see if possible method to do it. We looked at the existing entrance – 2<sup>nd</sup> on the north side, and spoke to the county. We need southern entrance to get around the side. They did not like 2 entrances but would have allowed us to keep the trees. They were not conducive to that. I can push them again to save a tree. It is a DPW matter. They don't want 2 cars coming out of one location.

Ms Raffo: I Move to hold a Public Hearing on March 12 2007 at 7:30 pm or as son thereafter as the matter can be heard.

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 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.

Sebaedim, Sevdija, Parlapamov:

Dan Yanosh: Hair by Seby Hair Salon. There are 2 tax maps: adjacent to west and one where the salon is. Combine them and put addition for coffee shop. Only baking is the Greek pies they make in the city. Bring pasty in, have coffee, get hair done - back and forth. Only baking is 2 pies on site. Question from PB is how classify as eating/drinking establishment. There are 2: eating and drinking 1: 50 sq/ft + 1 or 21 spaces for this bakery; other is fast food and lists donuts – how do we work this. Most of them with my calculations. How do you work a donut shop perhaps written for a Dunkin Donuts. Other question if look at side: Oster, Newman is R2 and it requires 50 foot set back from R2 with landscape buffer. Existing building there was used as florist and parking in back for employees. There is small retaining wall. 25 foot landscape buffer that comes in the parking area. not sure when buffer zoning came into effect. After the building was built.

Interpretation if it is eating / drinking and do we have enough spaces.

33 spaces I have the 2 in the back of existing – it is tight site and more landscaping issues with the planner.

There requirement to have a sidewalk in the future with the DOT and on the state right of way.

Ms Raffo: How close is the dumpster to back property?

Dan Yanosh: About under 5 feet. Greg Roe's stores vehicles in the back. Cars that are towed in. really dumpster is applicable. No one living in the Row property.

Ms Guenste: I am looking at this and looks more like mini strip mall. Normally we take parking for each and calculate separately. Have you done this with both: hair salon for that size 1:200 sq/ft or 10 spaces; basement in addition 2 spaces; eating drinking is three. Code for eating/drinking is 1:50 gross space I would need 28 for the coffee shop. It is combined use and that is what we are in to. Discussion is like a diner go back and forth in situation like this. No drive-thru window. Dunkin Donut is going in by the bank.

Mr. Wilson: proposed employee – reduce green space there too?

Dan Yanosh: It is there now. The PB picked that up too. You can see where they park.

Ms Guenste: The buffer is along the R2 zone (northerly side). The parking is existing for

Mr Yanosh: I will re-label it.

Ms Raffo: The variance is for an interpretation of 249-12-F parking for eating/drinking establishment.

Ms Raffo: I Move to hold a Public Hearing on March 12, 2007 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 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.

#### HUDSON VALLEY REMODELERS:

Applicant: We want to replace an existing structure on the property. When we replaceit we don't meet side yard.

Ms Raffo: I am looking at 2<sup>nd</sup> floor over a porch.

Chris Memmellar: Correct.

Ms Raffo: Is there a certificate of occupancy for that?

Chris Memmellar: I don't know.

Ms Raffo: You need a variance for the whole thing.

Chris Memmellar: Keep same size just create it on a foundation.

Ms Rafo: Go under the existing. No variance for it in the first place there fore the variance.

Mr. Johnson: Take off existing overhang?

Chris Memmellar: Yes, tear it right off. Rear porch with 2 windows will come off and start from scratch with new foundation. It is on post now that are make shift and structure in bad shape.

Ms Raffo: I need map with dimensions of extension, need to see size extension, distances.

Chris Memmellar: On a survey?

Ms Raffo: I have original survey, I don't know the history. This is now new construction: we need size and distances.

Ms Guenste: He is not removing the entire structure?

Ms Raffo: The back porch

Ms Guenste: Removing structure that does not have a CO.

Chris Memmellar: It was an approved deck at one point. We submitted plans.

Ms Raffo: I Move to hold a Public Hearing on March 12, 2007 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 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.

Alessi

Ms. Alysia: We are looking for variance for an accessory from 28x28 to 36x36ft on Dosen Road.

Mr. Wilson: How big is the house?

Ms Alysia: 45 x 65.

Ms Raffo: I Move to hold a Public Hearing on March 12, 2007 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 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.

DRISCOL (Beverly Bristow)

Applicant: Need a new deck which was damaged from fire next door.

Ms Raffo: You need side yard variances? And from what to what?

Mr. Bristow: Yes, side yard.

J Owen, Esq.: You can mark the application from 5 to 3 feet (and so he did).

Mr. Bristow: He did the measurements.

Ms Raffo: I Move to hold a Public Hearing on March 12, 2007 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 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:

Ms Raffo: I Move to close the Meeting at 9:13 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL ZONING BOARD OF APPEAL

DECISION SHEET  
FEBRUARY 12, 2007

CROSS VIEW REALTY, LLC.

Request for a variance of 249-24.2

1. waiver of cul-de-sac

Property located on Scotchtown Collabar Road  
SEC 19 BL 1 LOT 10  
Designated RA.

CONTINUE to March 12, 2007

MICHAEL A. GURDA, IV

Request for a variance of 249-3

2. oversized accessory building from 28x28ft to 36 x 28ft;

Property located at 346 Bowser Road  
SEC 36 BL 1 LOT 96  
Designated R-2.

DECISION: Variance granted.

MICHELLE SAPP

Request for a variance of 249-22(D)(A)

1. rear yard from 30ft to 26ft;
2. side yard from 20ft to 3ft;
3. side yard from 20ft to 7ft;

For construction of a large deck.

Property located at 13 Evan Court  
SEC 76 BL 8 LOT 69  
Designated R-1.

DECISION: Variances granted.

JEFFREY F. WEINER

Request for a variance of 249-20-C:

2. side yard from 20ft to 17ft 4 inches

To construct an addition.

Property located at 2232 Rt 302, Circleville, NY  
(SEC 10 BL 1 LOT 8)  
Designated R-2.

DECISION: Variance granted.

JAMES BEAMESDERFER

Request for a variance of 249-20(A)(1):

1. to permit a two bedroom / 1 bath caretakers apartment in an existing horse barn

Property located at 130 Shaw Road

SEC 24 BL 1 LOT 55.42

Designated R-2.

DECISION: Variance granted, subject to the following:

The apartment is for the use of the caretaker and may not be rented separately.

CRYSTAL RUN ASSOCIATES

Request for a variance of 249-12

1. Off-street parking reduction

Property located at 95 Crystal Run Road

SEC 60 BL 1 LOT 52.

CONTINUE to March 12, 2007

SIX MONTH EXTENSIONS:

Todd Lyons:

Request for a six month extension on variance extensions granted on August 14, 2006 which were originally granted on February 6, 2006:

Request for variance of 249-20-D:

2) area from .75 acres to .23 acres;

3) lot width from 200ft to 100ft;

4) lot depth from 250ft to 100ft;

5) front yard setback from 35ft to 25ft;

For construction of a single-family dwelling;

Property located on Pocatello Road (66-2-2);

Designated R-2.

Granted subject to: approval of the septic system by the Orange County Department of Health.

DECISION: Six month extension granted.

Mid-Orange Properties Corp.  
(ADF Design, Inc.)

Request for a six month extension on variances granted on August 14, 2006:

Request for variance of 249-27 D(1) :

1) side yard set back from 100ft to 24.9 ft;

For addition to back of existing building.

Property located at 26 Scotchtown Collabar Road

SEC 45 BL 2 LOT 1

Designated R-2 and MI.

DECISION: Six month extension granted.

Laura & James P. Fiorillo

Request for a six month extension on variances granted on August 14, 2006:

Request for the following variances of

249-20(A):

1) Front yard set back from 35 ft to 24ft 6 inches;

2) Lot width from 150ft to 106ft;

3) Area from .75 acres to .70 acres;

249-8(5):

4) accessory building in front of primary building  
(residence);

249-3:

5) oversized accessory building to 27 ft 6 inches x 32 ft 6  
inches;

Property located at 24 Mud Mills Road

SEC 40 BL 1 LOT 17.2;

Designated R-2.

DECISION: Six month extension granted.