

TOWN OF WALLKILL ZONING BOARD OF APPEAL

MARCH 14, 2005

PRESENT: N. Guenste  
E. Johnson  
J. Mattatall, Chairperson  
W. Morgan  
E. Raffo  
R. Schoenberg

J. Owen, Esq.

ABSENT/EXCUSED: P. Thompson (ex)

MEETING OPENING:

The March 14, 2005 Zoning Board of Appeals meeting opened with the pledge to the flag followed by the Roll Call and presentation of the February 14, 2005 Meeting Minutes.

The Motion was made to approve the Minutes as written; Seconded; All in favor; Motion carried.

The following applications were continued, reviewed for April Meeting, heard and voted upon as noted.

CONTINUANCE:

JANOS LECEI

Mr. Mattatall: We have received correspondence from the applicant requesting we continue the Public Hearing to April 11, 2005.

Mr. Mattatall: I Move to continue the Public Hearing for Janos Lecei to April 11, 2005; Seconded; All in favor. Motion carried.

CONTINUANCE (2/14/05)

SKYRIDGE DEVELOPERS: Request for a variance of 249-19-D (lot size):

- 1) lot width from 200ft to 125ft;
- 2) two (2) side yards from 100ft to 64ft;
- 3) area from 2 acres to 1.2 acres;

Property located on Highland Lakes Road (64-1-47.2); Designated RA.

Mr. Mattatall: Do you have any additional comments to add for the application?

Gardner Barrone: One issue is adequacy of one acre lot to provide sufficient area for a septic system – in ground and private well – we meet all codes and DEC with respect to the location of septic absorption and the well. It meets the minimum setback for nearby wells and meets those requirements. There is an engineered septic system, soils tested for suitability to support a house with this number of bathrooms and absorption.

Mr. Mattatall: Do you have health department permit?

Gardner Barrone: We don't need it now and the system is approved when completed. Other thing I note is people who come to public hearing at certain times they said they smell affluent from septic of the area. Most were built before the minimum standards set for in ground systems and don't know if they conform to modern standards for septic design – maybe houses were up graded but the septic was not or not maintained over the years no document if infiltration of bacteria in drinking water. This system meet standard by the state and by the Town and our engineer states it is in compliance.

Mr. Mattatall: I would like to see the documentation that septic meets health department standards. I am trying to find certification from the engineer?

Gardner Barrone: Yes, and I have engineer this evening that it is fully compliant system that is provided.

Applicant: It conforms with appendix 75-A which is current health dept criteria.

Mr. Mattatall: Any thing else to add? (no)

Mr. Mattatall: Any comments from the Public? (yes)

Craig Benedict: What I spoke about last time, in 2002 the Town passes a 2 acre zoning and they purchased after that went into effect for 3k at county auction. Had I known I would have bought it. I offered to double what they paid and have something in there that I will not build. It's a narrow 1.2 acres and not much room between lots. All lots face the road; it would face at angle along with the lot and it is set back in stead of even as other houses are in line. Also had they asked if neighbor sell them land to grow into the 2 they said they did not need to. Nothing seems to fit here and it is afterwards they bought it and hope the ZBA does what is right; it's the law.

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

Ed Cuccio, Daily Road: They purchased this after the 2 acre zone was established and there is a question on precedent. The judge said there are other 1 acres on the street. But if you take that analogy where ever you go you will have 1 acre on a street. Don't know if that is important or if that is the determination.

Mr. Mattatall: Any questions from the Board?

Ms Guesnste: I reiterate I have been looking at this and going over this and looking at area variance and all those homes built 30 years ago and look ..its undersized lot and from the NY Planning Federation one of the first things that I have to consider is there is a benefit that can be had by the applicant? I can't see where they have made any attempt to settle this - to either buy some land from the neighboring owner or do anything to alleviate it. You purchased it not meeting the zoning and after the law changed. You looked at a smaller house and have an applicant who has not made attempt to ratify the situation before coming to us. That is not right to the people in the Town of Wallkill. If every effort was made to purchase or sell the property then it justifies coming before the ZBA for a variance. I have a problem with that effort not made to ratify that before coming to us.

Mr. Mattatall: Any further comments? (no)

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

Mr. Mattatall: I Move to grant the following variance: area from 2.0 acres to 1.2 acres; lot width from 200 ft to 123ft; two (2) side yards from 100ft to 64ft; Seconded.

#### DISCUSSION:

Mr. Mattall: On the property there – RA was brought up before code changed in 2002 and the Town Board had good reasons to protect the RA zoning. It allowed variances for people who owned before the zone change; after the zone change, you purchased land with an intent that zoning no longer allows. The documents you gave on the existing houses - most if not all proceeded zoning. The houses were built in 1960, 1975, 1925, 1946, 1965, 1968 1975, 1965, 1975 and there is one house with sq/ft to what you wish which was built in 2004 is on 4 acres of land and did not require variances. You can reap a benefit if you sell the property. Adverse environmental affects – you will have engineered septic and I would like to see the acceptance on this from an engineer and it is approved.

Ms Guenste: No effort has been made to see if a means can be reached feasible by the applicant, we have heard 2 times someone make offer. I just feel no effort has been made to reach another feasible way – if that was done look at other avenues at the variance. But if it is self-created – it was purchased after ZBA law changed. Zoning books are available at the Town Hall to anyone buying land and knowing RA - just ask the Building Department. People come before us before making a purchase to see if they can build on an undersized lots.

Mr. Johnson: I also have to say since you bought after zone change it is self created. Knowing that and the lack of effort to regain investment and with those 2 alone have to vote no.

Ms Raffo: For all the reasons stated – we are not talking about a minor request if you had 90% you needed or 75% it would be different but you have only a little over 50% of what you need

and its substantial. Does it have adverse environmental affects – it was changed because we can't keep building on one (1) acre lots. It's a substantial request and the environmental impact is unsound.

Mr. Schoenberg: I will say I read the judges statement and he has been saying he would not be oppose a house on it regardless of the statements and the papers presented. I don't think the house you are proposing, although smaller, is in keeping with the neighborhood. Too large, if you came back with smaller and if it is in keeping with others, I'd be more inclined to keep with judges lead for smaller house. Given size of house it is too large, and too much to ask for.

Mr. Morgan: The size of house is detriment to others in the neighborhood and no one has made attempt to buy more land to make it appropriate. Personally if smaller it could be better considered.

VOTE:	In favor (aye):	0
	Opposed (nay):	J. Mattatall N. Guenste E. Johnson E. Raffo R. Schoenberg W. Morgan

DECISION:

Mr. Mattatall: The variance is denied.

**HEARING REVIEWS** (April 11, 2005)

**Rodney Scott and Kelly Ann Riker** (side yards)

Tom Manse, builder: One of the side yard set back does not conform to the zone.

Mr. Mattatall: This affects the overall side yard total. What is in the addition?

Mr. Manse: One large 18x18 living / sun room with the deck – enclosed.

Mr. Mattatall: No bathroom?

Mr. Manse: No. It was built in 1970 and it is an expandable Cape. He received it in the last year and wants to add a sun room.

Mr. Mattatall: Any questions?

Ms Guenste: Have you looked at adding it to the side instead of the back? You have land in back?

Mr. Manse: Basically yes we did but the shape of the Cape Code house, it would be prohibitive in my opinion.

Ms Guenste: Is there a number or mailbox – we can't always find it.

Mr. Manse: It is 152 Pilgrims Corner Road.

Mr. Mattatall: I move to hold a Public Hearing on April 11, 2005 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 **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.

**Charlotte T. Verdi / Josephine Anne Caruso** (area and set back)

Applicant: I let it lapse.

Mr. Mattatall: It is over 2 acres. Any changes to this? Lot 200 to 125ft for lot width.

Ms Guenste: I see the map but does not show water or septic.

Applicant: We are selling the lot, we are not building.

Ms Guenste: How can we grant it?

Mr. Matttall: We can give variance to make it a build able lot so they can sell it.

Ms Guenste: We don't have the soils?

Mr. Mattatall: That would depend on the house down the road. We are addressing the width at this time.

Ms Guenste: The soils could require 3 acres instead of 2.

Mr. Mattatall: That is an assumption – they could put up a pole barn.

Mr. Schoenberg: Any markings?

Mr. Mattatall: It is incredibly difficult to find.

Ms Guenste: Can you put a sign on it with a name.

Mr. Schoenberg: ...something to identify it.

Ms Raffo: Yellow ribbon is fine as long as we can find it.

Mr. Mattatall: I Move to hold a Public Hearing April 11, 2005 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 **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.

### **Gloede Neon Signs** (signs)

Mr. Mattatall: We will need something we can read here (fax is not clear)

Applicant: We provided actual copies to be sent out.

Mr. Mattatall: The dimensions of signs needed as well. You want one on front and side.

Applicant: It has upper/lower case alpha. We looked around at stores that have 8 ft channel letters but don't need to go that high.

Mr. Mattatall: Same font both sides?

Applicant: 6 ft upper and it is front elevation is 31ft 5.5 " length; same on the side.

Mr. Mattatall: Why not in compliance from the building department?

Applicant: I thought it was just the height they had a problem with. They are remodeling front of the store as well and it will look different, please refer to the drawings.

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

Mr. Mattatall: You need 2 variances 249-11: front and side sign. Footage will be available for the public hearings.

Mr. Mattatall: Please copy them and send them to Mr. Walt Barrett and specific code section. Do you have a letter of permission?

Applicant: Yes. He has it and I have here as well.

Mr. Mattatall: I Move to hold a Public Hearing on April 11, 2005 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.

### **Mark Wolfe**

Mr. Wolfe: I was here last year and its an addition to the log cabin and we want a garage to the left – actually in front yard, it's the back yard. Behind someone else's shed. The house was on the drawing. The garage is here (looked at drawing) put it behind their shed. On paper it is my front yard.

Mr. Mattatall: Did you mention it to the neighbors yet?

Mr. Wolfe: No. I had existing garage that burned down.

Mr. Mattatall: You are RA there and will need to notify everyone within 1000 feet of your property.

Mr. Mattatall: I Move to hold a Public Hearing on April 11, 2005 at 7:30 p or as soon there after as the matter can be heard; Seconded; All in favor; Motion carried.

PUBLIC HEARINGS:

John and Dawn McGee: Request for a variance of 249-20-D (side yard setback) from 15ft to 12ft for construction of a deck;  
Property located at 40 Berry Lane, Circleville, NY  
SEC 8 BL 8 LOT 18; Designated R-2.

Mr. Mattatall: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:19 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:20 pm.

Mr. Mattatall: Please present your application:

Mr. McGee: We are replacing an existing deck with a new one with a three (3) ft encroachment but does not go beyond the existing structure.

Mr. Mattatall: Any comments from the Board?

Mr. Mattatall: I looked at the proposed deck.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 8:21 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the the following side yard variance from 15ft to 12ft; Seconded.

DISCUSSION:

Mr. Morgan: It will be an enhancement to the neighborhood.

Mr. Schoen: Yes, I agree.

VOTE: In favor (aye):           W. Morgan  
  R. Schoenberg  
  E. Raffo  
  E. Johnson  
  N. Guenste  
  J. Mattatall

Opposed (nay):                0

DECISION:

Mr. Mattatall: The variance is granted, please see the building department. Please note the variance is valid for 6 months if you have not started work, please return for an extension.

Michael Paduch: Request for a variance of 249-22-D (area, width, side yard(s) for construction of a two family residence;  
1) lot width from 80ft to 50ft;  
2) side yard from 15ft to 8.5ft;  
3) 2 side yards from 30ft to 24ft;  
4) area from 12,500 sq/ft to 7,750 sq/ft;  
Property located at Highland Avenue Extension  
SEC 39 BL 14 LOT 17.2; Designated R-1.

Mr. Mattatall: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:23 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:24 pm.

Mr. Paduch: When I was here before - I own pre-existing non-conforming lot 39-14-17 and was referred here from the Planning Board for a 2 family home. There are about 30 houses with the same dimensions (lands of Dr. Miller) and out of those pre existing lots, 10 have 2 family dwellings and I am requesting a 2-family house. I was not clear at PB that since this is pre-existing I wanted to know if it also needs an area variance if so, that the request it be granted.

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

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

Ed O'Connell, 27 Park Avenue and 287 Highland Ave Ext.: I have lot and want to keep it open and if this is done it will be packed, not conducive to the neighborhood. If he lived there he would feel the same way and there are others. I would stand to gain and would be able to get a variance but I don't want that and bought the lot so I would have it and in doing so, the Town of Wallkill would benefit from that.

Mr. Morre: I am adjacent and would like to see that it not be built just so we can keep room around the area and the neighborhood. My drive borders theirs and it is 50 feet wide and it is big for that little lot.

Linda Cordea: If looking at the lot directly, I am to the right and borders it. I have no issues with him building next to our lot.

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

Mr. Mattatall: Any questions from the Board?

Mr. Schoenberg: When did you buy this?

Mr. Paduch: Over 20 years ago – in 1982.

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: lot width from 80ft to 50ft; side yard from 15ft to 8.5ft; 2 side yards from 30ft to 24ft; area from 12,500 sq/ft to 7,750 sq/ft; Seconded.

DISCUSSION:

Mr. Morgan: I seen quite a few 2 family in the area and are not really concerned with it. It would be enhancement to the neighborhood and they have sewer and water.

Mr. Schoenberg: I think it is too much for lot that is there. You have had it for along time.

Ms Raffo: I think there is not a lot we can do with these lots that are undersized. They are there and people can build on house on a lot they have. It gets tight but there is water/sewer and ample parking.

Mr. Johnson: Mainly because you owned it before the laws changed and it was an approved lot - it is a lot of house for the area but other houses like that 10 of them.

Ms Guenste: (Abstain).

Mr. Mattatall: The lots are small and there are other 2 family residences and he is building single story.

Mr. Paduch: If it seems like its too much for the lot – it can be built smaller - can it be 2 stories if it looked like the others.

J. Owen, Esq.: It depends on the total square footage. You are still within the building height you can go up to 35 feet.

VOTE: In favor (aye):           W. Morgan  
  E. Raffo  
  E. Johnson  
  J. Mattatall

                                  Opposed (nay):       R. Schoenberg

                                  Abstain:                N. Guenste

DECISION:

Mr. Mattatall: The variance is granted, please see the building department and continue with the PB. The variance is valid for 6 months if you have not started by that time, please request an extension.

Mr. Paduch: Will I need an extension if I don't get through the Planning Board process?

Mr. Mattatall: Yes. Send us a request for an extension.

Fred Vliestra: Request for a variance of 249-19-1 (area and width)  
Property located on Daly Road  
SEC 64 BL 1 LOT 31

Designated R-A.

Mr. Mattatall: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:35 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:36 pm; Seconded.

Mr. Mattatall: Please present your application.

Fred Vliestra: I want to build a house on a 1 acre lot and went into contract before the zoning change.

Mr. Mattatall: We requested large bigger copy of septic design which we received. You have engineer's certification which I can see and included the requested paperwork to show you were in process before zoning changed.

Mr. Mattatall: Any questions from the Board?

Ms Guenste: There are wet spots on the sides and I tried to find the location – I did not get one of the big maps. How far from the back lot line? Oh, it is within. Where does the run off go? (looked at the maps). It says no septic within 200 feet of the line?

Mr. Mattatall: No.

Mr. Mattatall: Any questions from the Public?

Ed Cuccio, Daly Road: I want to make sure it was in (contract) before the zoning was changed.

Mr. Mattatall: Yes, we wanted to make sure of that.

Ed Cussio: I know first owner had problem with septic – it's a real wet lot and behind it is Indigo Creek and standing water most of the year. I have a pond next to it which is spring fed and concerned about contamination.

Mr. Mattatall: If the engineer says it meets standards we have to accept it or letter from the health department. It says he can have 100% expansion.

Mr. Johnson: They do deep hole test and did not have water and it was checked.

Ed Cuccio: That is conventional septic?

Mr. Johnson: Yes.

Mr. Mattatall: The engineer says it will work and what we have to deal with out there.

Fred Vliestra: It is on other side of where his pond is.

Mr. Mattatall: The building inspector will be on top of the drawing being what is being done.

Ed Cuccio: He was in contract.

Mr. Mattatall: He was and we can't change rules mid stream.

Bill Capazzio: 56 Daly Road: I don't have all paperwork in front of me and want to clarify – you said about the contract – don't know what he needs, 2 acres and what is it prior to this? 1.2 acres 15 years. If he is 1 acre 15 years ago you needed 12.5 and that is my concern. Regardless if he is in contract when 2 acre went it. It was 1.25 acres. Want the board to consider that before it was not 1.25.

Ms Guenste: Even back then you needed soils needed 3 or 6 acres.

Mr. Mattatall: The problem is the engineer's septic supercedes this.

Bill Capizzio: There are some homes built with more than 2 acres – one is fairly new. That is my only question and concern and you guys (board) can review it.

Mr. Mattatall: The 1.25 acres in zoning is 2 family houses. The other formula in RA is more extensively into this.

Mr. Mattatall: Back to the soils formula.

Ms Guenste: It was amended 11/14/02.

Mr. Mattatall: The TOW enacted the soils map which does not used standard numbers and we are comparing town to the soils map.

Ms Guenste: I Move to go into Executive Session at 8:49 pm; Seconded; All in favor; Motion carried..

Mr. Mattatall: I Move to continue to Public Hearing at 9:00 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: There are some important technicalities - you are close to date when the zoning was changed and have date of check was written to the agent.

Applicant: It was not actually deposited it was handed back to us.

J. Owen, Esq.: When did you close?

Fred Vliestra: February 21, 2003.

Mr. Mattatall: The binder is dated 12/10.

Fred Vliestra: It took a week to get final price and a week to send paper work back.

Mr. Mattatall: To establish a date you need something to show you were in contract before the zoning changed. Do you have any way to do that?

Ms Guenste: What about contract from the seller?

Fred Vliestra: That is what I have.

Ms Guenste: That is a real estate binder.

Ms Guesnte: That is the binder. Your and your wife's signature.

Mr. Mattatall: I Move to continue the Public Hearing to April 11, 2005; Seconded; All in favor; Motion carried.

Mr. Mattatall: We need proof you were in contract when the law changed.

Gail Begle: Request for a variance of 249-19-D (rear yard) from 70 to 21 feet for a proposed addition to a single family residence;  
Property located at 37 Bendlin Lane  
SEC 33 BL 7 LOT 8  
Designated RA.

Mr. Mattatall: The mailings were reviewed by the Board and filed b the Secretary. The Public Hearing Notice was at 9:05 pm.

Mr. Mattatall: I Move to open the Public Hearing at 9:06 pm; Seconded.

Mr. Begle: When we got through the building and architect it (variance) expired and have come back for the request as issued in July.

Mr. Mattatall: Has any thing changed?

Mr. Begle: It is the same.

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

Mr. Mattatall: I Move to close the Public Hearing at 9:07 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall; I Move to grant the following variance: rear yard 70ft to 21 feet; Seconded.

DISCUSSION:

Mr. Morgan: We approved it before and it is the same variance request.

Mr. Schenberg: No reason to not vote for it again.

Ms Raffo: It is not different than before.

VOTE: In favor (aye):           W. Morgan  
  R. Schoenberg  
  E. Raffo  
  E. Johnson  
  N. Guenste  
  J. Mattatall

Opposed (Nay)           0

DECISION:

Mr. Mattatall: The variance is granted, please see the building department. Please remember the variance granted is good for 6 months.

Bela Gesztesi, III: Request for a variance of 249-26-D (width) and 249-26-A-12(a) (lot area);

- 1) side yard from 130ft to 50ft
  - 2) area from 20,000 sq/ft to 10,000 sq/ft
  - 3) 2 side yards from 20ft to 11ft 6 inches
  - 4) total side yard from 30ft to 23ft
- Property located at 30 Hulse Avenue.  
SEC 74 BL 5 LOT 5  
Designated HC.

Mr. Mattatall: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing notice was read at 9:12 pm.

Mr. Mattatall: I Move to open the Public Hearing at 9:13 pm; Seconded.

B. Besztesi, III: The project is to remove the current structure and build a new home.

Mr. Mattatall: How big is what is there now?

B. Besztesi, III: 27x20 is there now.

Mr. Mattatall: There is a 1 story with municipal water/sewer?

B. Besztesi, III: Yes.

Mr. Schoenberg: There is a 99 Boniface address in here?

B. Besztesi, II: I own the property adjacent and am his father, he is III. He is very efficient.

Ms Guenste: They don't have a front yard set back and front is to be open space - but no parking is designated or on the street is that an additional variance? They would park some where here in open 40 foot section they are saying is the front yard.

Mr. Mattatall: Driveway does not count against them.

B. Besztesi, II: There have been homes with parking in front and it is 200 feet so there is plenty of room.

Ms Guenste: If facing it to the LEFT it is 22 feet wide but not as big. 30 feet on the sides is really tight for lot that size and my feelings are and if emergency vehicle to get to rear not get to it. I have to look to safety of our volunteers and future residents of the house. Nothing on the side. I think the house to me as proposed is way too big for the lot going 30 feet. I like to see it smaller 24 or 22 feet it gives you more room on the sides instead of 30 x 60 squeezing it in that section.

B. Besztesi, III: Which is, 30 not acceptable what is maximum that is acceptable?

B. Besztesi, II: There is precedence in area on Carpenter and Excelsior -to address emergency vehicle - 50 foot lot the intent is not to bring fire truck to back it is 200 feet deep where most are 125 to 150. the 30 feet is max we would put in there and standard houses are 30 or 28 feet in width in dealing with modular and precedence approved for smaller lots.

Ms Guenste: Lots were for small houses and that is real tiny. I was saying something really nice houses are narrower 2 stories and fit more in character rather than huge. Where is front door?

B. Besztesi, III: In the front, I don't have the plans yet.

B. Besztesi, II: In front and rear.

Ms Guenste: Tremendous variance down to 30 feet and its substantial and you have house and want to do something with it.

B. Besztesi, III: I have a family and that small will not cut it and have nice sized room for my daughters. Is 28 feet acceptable.

Ms Guenste: You can find them with 2 or 3 rooms.

B. Besztesi, III: I was not interested in going up I wanted a raised ranch.

Ms Guenste: I look at border on the size.

B. Besztesi, II: On Carpenter Avenue they do. If in Mechancistown 50 foot lot with variances granted it would be discriminatory.

B. Besztesi, III: Is 28 acceptable?

Ms Guenste: That is how I find this.

Mr. Mattatall: Modulars come in 2 foot increments, would 28 feet work? You have not ordered, yes?

B. Besztesi, III: No, that is why I am here.

Mr. Mattatall: When dealing with area the lots are what they are if you can't get next door you have what you have. Lot area tied to lot width and how they set it up before. You set back affects your foot print.

B. Besztesi, II: Compromise to 28 feet if it pleases the Board.

Mr. Mattatall; You have no issue with the depth.

J. Owen, Esq.: Do you want to amend your application. You can keep it at 30 feet or change to 28. It is up to you what you do with your application.

B. Besztesi, III: I can hear the comments before I change it?

Mr. Mattatall; Yes.

Jacki Forni, 40 Carpenter Avenue: I thought you were going to do other building thing, but in meantime, if you go to depth that other home just build I don't recommend it. The new people

don't have curtain up they have to hang up blankets because we look into each others windows. You have to take into consideration if there is a fire, or get an ambulance, you will cross paths.

B. Besztesi, III: At this proposed site we will not look at any one's house and no qualms if it is on top of anyone else's. It is reasonable in not offending neighbors.

Jacki Forni: The drainage will meet standards? I had a problem with a new house on Carpenter Avenue.

Mr. Mattatal: Contact the building department about that.

Jacki Forni: They put in a trench but thought we were called here because of storage sheds out there?

Mr. Mattatal: That is not before that board yet.

Sr. As neighboring property owner I think it would enhance the neighborhood.

Mr. Mattatal: I looked at it.

Mr. Mattatal: Any comments from the Board?

Mr. Morgan: 26 give extra 2 feet on each side and is more reasonable.

Mr. Mattatal: If there is more room for a vehicle if needed.

B. Besztesi, II: You have approved 28 feet.

Mr. Morgan: 26 is what I mentioned.

Mr. Schoenberg: What are you asking us to approve now?

B. Besztesi, III: I listened to what you have said. I wanted 30 originally. Can I survive with 28, my question is that acceptable?

Mr. Morgan: We can't tell you ahead of time.

B. Besztesi, III: Can I change the application to 28 feet?

B. Besztesi, II: There is precedent on 50 foot lots to build 28 feet and previously with 2 family, there is precedence with 2 family. He started with 30 feet and larger than others that 150 or 125 feet, with precedence of other homes approved in Mechanicstown on Carpenter, Belmont, Ridgewood, if he is willing to come down it is fair and equitable it leads to why this one would not get approved. The foot print down to 24 feet will not allow emergency vehicle to the back that is why have hoses, he is showing good faith and most are 28 feet and approved by the zoning board.

Mr. Mattatall: You are talking about a single story foot print. Noting to prohibit you from having smaller but 2 stories with more square footage – not limiting living space if you want to explore other options.

B. Besztesi, III: May I have a few minutes to discuss this? (and so they did)

B. Besztesi, III: I would like to amend the application to 26 feet.

B. Besztesi, II: I would like to see most are 26 feet and can you go to 27 in case it is off by 6 inches on each side. I am looking at the plans.

Ms. Raffo: You have to ask us.

Ms Guenste: Then when he goes to 28 feet?

Mr. Mattatall: He is not going to 27 feet. Please initial the change to the application.

Mr. Mattatall: I Move to close the Public Hearing at 9:36 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance: side yard variance from 130ft to 50ft; area 20,000 sq/ft to 10,000 sq/ft; 2 side yards 20ft to 11ft 6 inches; total side yard from 30ft to 23ft; Seconded.

DISCUSSION:

Ms Guenste: This one has me going just because of the width. I would like to see it smaller. I know you have stated it has happened in other areas and that is why we need to enforce our zoning laws. Its too big for this piece.

Mr. Johnson: Since you have compromised I don't have a problem with 27 feet house.

Ms Raffo: You have taken it down.

VOTE: In favor (aye): E. Johnson  
J. Mattatall  
E. Raffo  
R. Schoenberg  
W. Morgan

Opposed (nay): N. Guenste

DECISION:

Mr. Mattatall: The variance is granted, please see the building department but come back to request an extension if you have not started in months.

Lite Brite (Verizon): Request for variance of 249-11 (sign variance);  
Property located at 468 Rt 211 East / Orange Plaza;  
SEC 50 BL 2 LOT 62  
Designated PID.

Mr. Mattatall: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 9:43 pm.

Mr. Mattatall: I Move to open the Public Hearing at 9:44 pm; Seconded. All in favor; Motion carried.

Mr. Mattatall: They have already put up a sign on the front of the building and now need side and rear. How big in front of the building?

Brian Sardella, Lite Brite: It is 62 sq/ft; frontage is 62 linear feet.

Ms Guenste: That is the one up now – that is the front.

Brian Sardella, Lite Brite: This is up already (looked at drawing and gives idea of what we want to do.

Ken Gruskin, Gruskin Architecture: We have pictures that show some of the surrounding buildings with 4 signs (looked at them).

Brian Sardella: Almost like an additional store frontage.

Ken Gruskin, Gruskin Architecture: We have parking on both sides and entrances on both sides of the building.

Jeff Paszkiewicz, Verizon Wireless

Ken Gruskin, Gruskin Architecture: 68% who come are specifically for Verizon. Having it identified lets traffic know where we are. Unique situation because visible from (Rt) 211 and the other street and even though we talk about front and rear all are good sides, we don't have dock, dumpsters, etc.

Brian Sardella: We are not setting precedence, Red Lobster, Bank, Taco bell all have signs on all sides.

Ken Gruskin, Gruskin Architecture: One minor thing we are treating this wall (drawing) is very visible and dresses plain wall on public area.

Mr. Mattatall: How big % to others on the building?

Brian Sardella: Actually I have that.

Mr. Mattatall: The ones are up are proportional.

Ken Gruskin, Gruskin Architecture: 66 sq/ft.

Mr. Mattatall: They are similar.

Brian Sardella: Ones on back are smaller actually and have drawn to scale if you want to see it. Dental is a little smaller on the back.

Ken Gruskin, Gruskin Architecture: The 'V' makes ours longer.

Mr. Mattatall: You want to have some uniformity.

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

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

Mr. Mattatall: The square footage of both signs is 60.25 sq/ft each for Verizon?

Brian Sardella: Yes.

Mr. Mattatall: I Move to close the Public Hearing at 9:52 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following sign variance to the side and rear for a 60.26 sq/ft sign; Seconded.

DISCUSSION:

(None)

VOTE:In favor (aye):	N. Guenste
	E. Johnson
	E. Raffo
	R. Schoenberg
	W. Morgan
	J. Mattatall

Opposed (nay): 0

DECISION:

Mr. Mattatall: The variance request is granted.

Lite Brite (Aspen Dental): Request for variance of 249-11 (sign variance);  
For signs on the side to 66.25 sq/ft and rear to 36ft;  
Property located at 61 Orange Plaza, Rt 211 East  
SEC 50 BL 2 LOT 62

Designated PID.

Mr. Mattatall: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 9:54 pm.

Mr. Mattatall: I Move to open the Public Hearing at 9:55 pm; Seconded.

Brian Sardella, Lite Brite:

Mr. Mattatall; The remaining bare walls are for Aspen Dental. We had that the sq/ft you listed is side of the building is 75 /sq ft and rear is 36 sq/ft (half size of other).

Brian Sardella: The side is 66.25 sq/ft and the one on the back is 36 sq/ft, yes.

Mr. Mattatall: Okay.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 9:57 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following sign variance for sign on the side to 66.25 sq/ft and rear to 36ft; Seconded.

DISCUSSION:

(None)

VOTE:In favor (aye):           W. Morgan  
  R. Schoenberg  
  E. Raffo  
  E. Johnson  
  N. Guenste  
  J. Mattatall

Opposed (nay):           0

DECISION:

Mr. Mattatall: The variances are granted.

NEW BUSINESS:

Lyle Coyman: The building permit was missed by 10 days and I was advised to go through process in November again.

Mr. Mattatall: You will need to start over with the application and have a review and a public hearing. Attach previous decision to your application. Have there been any change from original application?

Lyle Coyman: No and it was approved. I was to pick up the permit and said it was missing approval. It was unusual case.

Mr. Mattatall: Fill out application and do the mailings and have a review in April.

MEETING CLOSE:

Mr. Mattatall: There being no further items to be presented to the Zoning Board, I Move to close the meeting at 10:03 pm; Seconded; All in favor; Motion carried.

TSB:jcd