

TOWN OF WALLKILL ZONING BOARD OF APPEAL

MEETING MINUTES

APRIL 10, 2006

PRESENT: N. Guenste
E. Johnson
J. Mattatall, Chairperson
W. Morgan
E. Raffo
R. Sullivan
P. Thompson

Joseph Owen, Esq.

MEETING OPENING:

The April 10, 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 March 13, 2006 Meeting Minutes.

Pg 10 Para 15 N. Guenste: CORRECTION:....are those structures

The Motion was made to accept the minutes as corrected; 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 May 15, 2006 meeting and application continued.

PUBLIC HEARINGS:

DAVID WIEBOLDT
(Robert Warren)

Request for a variance of 249-12D (parking):

- 1) Parking lot #1 side from 10 ft to 1ft 8 inches;
- 2) Parking lot #2 side from 10 ft to 5ft 2 inches;
- 3) Driveway #1 side from 10ft to 1ft 8 inches;
- 4) Driveway #2 side from 10ft to 7ft 0 inches;

Property located at 513 East Main Street
(SEC 50 BL 2 LOT 13); Designated HC.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:50 pm.

Mr. Mattatall: I Move to open the Public Hearing at 7:51 pm.

Mr. David Weiboldt: We were here seeking relief from Sec 249-12-D for set back of 10 feet from lot lines for parking and driveway(s) and we have a existing 2 story wood frame house and it is an existing 2 family residence and plan to convert it to offices on 2nd floor and service shop on the 1st floor. To do this, to get the driveway in and parking in the back we would be too close to lot line in 5 different locations (highlighted on new maps). You can see the plans are to enter the property on left of the house and see the handicap space and how it slopes away from the road – East Main Street. The HC is the front of the property for easy access to new HC ramp. The driveway goes back to the parking area and another drive that is EXIT only on the opposite side of the house. Both are 12 foot driveways. And the last time we were here we had 6 parking spaces which was required for Code and we have added 2 more at your suggestion in the rear. 7 in back and HC in front for total of 8.

Mr. Mattatal: Some dimensions have changed on the new map?

Mr. Weiboldt: No, added one in the front as it was noticed it was not on there originally and realized it was too close to the lot line as well. The others should be if they are not... should be just longer in the back with the 2 spaces.

Ms Guenste: Will they need a variance for DO NOT ENTER on one way drive?

Mr. Mattatall: It depends on the sign size. Don't need one unless incredibly big.

Mr. Weiboldt: These have been to the County DPW who had comments and that was one and it was to have directional signs.

Mr. Mattatall: The house has been there for some time.

Mr. Warren: I have letters from adjacent neighbors who would be most affected by this (he presented the letters for the record). Ron Helhoski and Bay Wash / Car Wash.

Mr. Mattatall: Any comments from the Board?

Mr. Mattatall: Any questions from the Public?

Mr. Mattatall: Which one is driveway 1 and 2? And you now have 5 variances.

Mr. Weiboldt: West is Driveway 2.

Mr. Mattatall: How far from line is driveway 2? Parking Lot #1 is HC?

Mr. Weiboldt: 7 feet, and yes.

Mr. Mattatall: In back 2 side yards from 5ft 2 inches and 3ft.

Mr. Weiboldt: Yes.

Mr. Mattatall: Originally showed it as 3 feet.

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

Mr. Mattatall: I Move to close the Public Hearing at 7:58 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: Who owns this?

Mr. Warren: It's in my name with my wife.

Mr. Weiboldt: The applicant is Mr. Weiboldt as the architect.

Mr. Mattatall: I Move to grant the following variance 249-12-D as on most recent map 4/10/06:
1) Parking lot 1: side from 10ft to 1 ft 8 inches; 2) Parking lot 2: side yard from 10ft to 5ft 2 inches; 3) Driveway 1: side from 10ft to 1ft 8 inches; 4) Driveway 2: side yard from 10ft to 7 ft 0 inches; Seconded.

DISCUSSION:

(none)

VOTE:

In favor (aye):	Gueste, Johnson, Sullivan, Morgan, Raffo, Thompson, Mattatall
Opposed (nay):	0

DECISION:

Mr. Mattatall: The variances are granted and valid for 6 months. If you have not started work by that time, please come in for an extension. You can see the Building Department about permits.

JASON LILES: Request for a variance of 249-22(D) (rear yard set back)
1) From 30ft to 22ft;
For construction of two decks;
Property located at 119 Fairfax Avenue
(SEC 76 BL 5 LOT 2.1); Designated R-1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:00 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:01 pm.

Mr. Liles: We want to build 2 decks in the back 12 x 20 and 10 x 12 with stairs going to lower deck.

Mr. Mattatall: Stairs go to lower deck?

Mr. Liles: Yes.

Ms Guenste: There is a deck there with stairs coming down? That will go away?

Mr. Liles: Yes.

Ms Guenste: I feel bad for you it (yard) goes straight down.

Mr. Mattatall: Any questions from the Board?

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

Mr. Mattatall: I Move to close the Public Hearing at 8:04 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance of 429-22 (D): rear yard set back from 30ft to 22ft for construction of deck(s); Seconded.

DISCUSSION:

(none)

VOTE:

In favor (aye): Morgan, Raffo, Sullivan, Guenste, Johnson, Thompson, Mattatall

Opposed (nay): 0

DECISION:

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

TOM BARONE Request for a variance of 249-22-D(A) yard set backs:
1) Front yard from 35ft to 33.5 inches;
2) Side yard from 20ft to 5ft 6 inches;
3) Side yard from 20ft to 3ft 8 inches;
Property located at 38 Sandburg Court
(SEC 87 BL 1 LOT 121); Designated R-2.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:06 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:07 pm. Please tell us what you are requesting.

Mr. Barone: To add a small room to the front of the house and have a foyer to drop coats before actually entering the house. The front door is closer to the front.

Mr. Mattatall: This will not go beyond the concrete wall?

Mr. Barone: That is correct.

Ms. Guesnte: The drawing shows it going past the firewalls – the plan shows the building past the firewall and you are telling us it is not?

Mr. Barone: Yes, the 2 buffers the architect said – 2 buffers I thought you meant next to the fire walls. The add-on room will be between those.

Ms Guenste: You want it to butt out farther than the others. I was disturbed to find out that you were not living there. You are redoing the inside already and to go past the firewalls in this little section – everyone is behind the firewalls and it will not be in line and the others don't come out past. This is a self imposed hardship and see no reason for it to come out that far. I honestly don't and you are doing extensive renovation and gutted the whole thing. If you needed a small entrance – come out to where it is in line with the fire wall I would not have a problem. I don't like changing...to me it is not needed. To keep them looking the same and nice and not all coming crazy you know my personal feelings. You are doing the inside and could have done a brake on the inside. That is my personal feelings.

Mr. Barone: The extension is not going beyond the stoop on each and every house.

Ms Guenste: That is stoop – a little slab there and you are talking about putting a structure out there. The building was built – I think it is self imposed and don't think it is needed to go out that far. Looking at it and the laws and when we should and should not give an variance.

Mr. Barone: There are 2 that extend, one is # 18.

Mr. Mattatall: I understand why you want to do it. How many stories high?

Mr. Barrone: 2.

Mr. Mattatall: An entrance on the 2nd?

Mr. Barone: On the 1st. Ground floor and 2nd floor.

Mr. Mattatall: Will it extend the 2nd floor?

Mr. Barrone: Only on the ground floor.

Mr. Mattatal: Roof of extension where?

Mr. Barone: Below the windows.

Ms Guenste: The boards are extending out there now.

Mr. Morgan: For the roof.

Mr. Mattatall: Any questions from the Board?

Mr. Sullivan: You are connected only to 1 other house?

Mr. Barone: Yes.

Ms Sullivan: I don't see that much conformity to the other houses.

Ms Guenste: A house and roof and another section. I think it is self-imposed thing.

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

Mr. Mattatall: I Move to close the Public Hearing at 8:13 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance: 1) front yard 35 to 33.5 feet; 2) side yard from 20 to 5ft 6 inches; 3) side yard 20 to3 ft 8 inches; Seconded.

DISCUSSION:

Mr. Mattatall: This is for a side yard fro 20 ft to 3ft are for town houses and it seems anything you do with a town house needs a variance.

VOTE:

In favor: 6 Raffo, Morgan, Johnson, Sullivan, Thompson, Mattatall
Opposed: 1 Guenste

DWAYNE ROSADO Request for a variance of 249-3 (accessory building):
From 24x24 to 40 x 45ft;
Property located at 430 Rt 211 West
(SEC 49 BL 1 LOT 38.1); Designated HC.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:14 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:15pm. Please present your application.

Mr. Rosado: This is for a three-car detached garage.

Mr. Mattatall: This is larger than 28x28ft which is why you need a variance.

Mr. Mattatall: 45ft x 47ft is still the largest dimension?

Mr. Rosado: Yes.

Mrs. Thompson: Is this for your personal vehicles and toys?

Mr. Rosado: Yes.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 8:17 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance for an accessory building : from 28x28ft to from 28x28 to 40ft x 45ft; Seconded.

DISCUSSION:

(none)

VOTE:

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

DECISION:

Mr. Mattatall: The variance is granted, please see the Building Department. The variance is granted for six months.

HEARING REVIEWS: May 8, 2006

OLSON:

Mr. Mattatall :What is there now?

Mr. Olson: Storage space and a landscaping company and 2 residential units up-stairs. It is only permitted to be one and there was one existing when client bought the building.

Mr. Mattatall: This had a hair salon down stairs – 3 storefronts?

Mr. Olson: The landscape replaced something.

Mrs. Thompson: Do you have certificate of occupancy for the apartments?

Mr. Olson: I don't know if they do or do not, I do know they are not permitted to have 2 in that zone.

Ms Guenste: The landscape is new in the last year.

Mr. Olson: Yes, new.

Ms Guenste: The landscape is new and new door at that end. It is a bad place to back on to.

Mr. Mattatall: The use is for?

Mr. Olson: For additional residential unit. The size and parking comply; re-delineated some of the parking; had work session with Mr. McGoey.

Mrs. Thompson: For 2 apartments as they exist?

Ms Sullivan: The application says 2 apartments in addition to a 3rd.

Mr. Olson: There are 2; the 3rd does not exist; it never existed.

Mrs. Thompson: This was written on 1/06.

Mr. Olson: Not sure why that verbiage went in there. It has been confirmed there has always been 2. Need additional to 1 to make it 2. Only 2 up there; don't intend to build anything.

Ms Guenste: How many 'uses' are permitted? You have landscaping?

Mr. Mattatal: This is like a strip mall.

Ms Guenste: One retail store? Office supply store and all the sudden other doors started appearing.

Mrs. Thompson: The pampered lady came in and then something else.

Mr. Mattatall: Always has had 2 store fronts there historically. Last was hair salon and sports Nascar.

Ms Guenste: Concern is parking.

Ms Raffo: 2 retail and 2 apartments.

Mr. Olson: He has a grocery interested and he has a professional business that is being proposed.

Ms Guenste: He is here for 2nd apartment / residence.

Mr. Mattatall: The other we don't deal with; that is not before the Board.

Ms Guenste: Trying to clarify that. You can add stores?

Mr. Olsen: Another tenant.

Mr. Mattatall: No different that breaking walls and adding doors to a strip malls. He needs permission for the 2nd living area. This is an additional use.

Ms Sullivan: Do we have something to verify it is going to be 2 not 3 apartments?

Mr. Mattatall: I'll speak with the Building Department.

Mr. Mattatall: I Move to hold a Public Hearing on May 8, 2006 at 7:30 pm or as soon there 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.

MIDDLETOWN MEDICAL

Kevin Duggan (for Fusco Engineering): There is a 3 story building and want to expand it and some time ago they got a variance for parking of 5 spaces on 1/13/03. at that time they had portion of building for storage with different values for parking than medical. The business has increased and change storage to parking.

Mr. Mattatall: Is this an addition to the building?

Mr. Duggan: The addition is on and storage to office increases parking.

Mr. Mattatall: Addition and we gave them a variance and needed fewer spaces because storage doesn't require parking. More customers and need more parking.

Mr. Duggan: 223 spaces – 5 (variance in 2003) and existing 214 including 7 HC. They looking for

Mr. Mattatall: How many now?

Mr. Duggan: 214 now including HC. They purchased some property for parking for employees.

Ms Raffo: They got a variance?

Mr. Duggan: Yes. The required 223 less 5 variance for 218 total.

Mr. Mattatall: We will recomputed the total and variance will be in total of what you require.

Mr. Duggan: we see 223 needed by the calculation is required.

Ms Guenste: For this building?

Mr. Duggan: For the building that will occupied. 223 is 3 and 2 story buildings.

Mrs. Thompson: you see 214. So go from 223 to 214 spaces.

Mr. Duggan: They have not used the loading space and people come in/out through the main patient parking. Like to reduce loading space as well which takes into consideration the 214.

Ms Guenste: add to the building?

Mr. Duggan: portion of building was storage and now use that space.

Ms Guenste: How many rooms in the area?

Mr. Duggan: I know one reason they are looking to right here MRI trailer which parks near the 2 story put the MRI inside as permanent – no problem with it taking up space.

Mr. Mattatall: In the back the loading space?

Mr. Duggan: By the concrete pads. It showed as loading space and convert to parking. Remove requirement of one loading space.

Mr. Mattatall: If additional spaces are needed...

Mr. Duggan: 6 spaces may be in the 214. if 6 less it would be 208.

Mr. Mattatall: We need to know: 1) How many spaces you have right now. 2) need to know which spaces you will be eliminating; 3) where you think you pick up additional spaces; 4) new total of parking spaces you are asking for; and, 5) square footage of occupied space in all occupied and un occupied.

Mr. Duggan: It may be what he has o the map here.

Mr. Duggan: He can up-date this for you.

Ms Guenste: A different corporation owns this (looking at the map). Mid-county development is one name.

Mr.Duggan: I can get that clarified.

Ms Guenste: This is one piece of property or have... this one piece...

J Owen, Esq.: I was surprised when the variance was granted. That would have to be under the same property ownership.

Ms Guenste: Get us copies of the property cards.

Mr. Mattatall: I Move to hold a Public Hearing on May 8, 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.

SPINELLI

Mr. Mattatall: You want to put in a pool above ground?

Ms Spinelli: Yes.

Mr. Mattatall: In the corner of the yard 10 feet off the line on either side?

Mr. Spinelli: Yes.

Mr. Mattatall: Any reason closer to the house?

Ms Spinelli: The yard comes down in a pitch and have gardens. And it would be too close to the house.

Ms Guenste: Can we get in back to see it?

Ms Spinelli: Yes and you can see it from the cul de sac. Did you get a letter from the neighbor?

Mr. Mattatall: No.

Mr. Spinelli: He is worried about an earthquake and the flood of his property and ruin his grass.

Mr. Mattatall: I Move to hold a Public Hearing on May 8, 2006 at 7:30 pm or as soon there after 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.

VASQUEZ

Mr. Mattatall: This is for a deck?

Mr. Vasquez: Yes.

Mr. Mattatall: Same generic deck as everyone else is putting in.

Mrs. Thompson: This is where the back yard goes plunk down?

Mr. Vasquez: Yes.

Mr. Mattatall: I Move to hold a Public Hearing on May 8, 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.

ROWLEY (ABT)

Mr. Wheldon Abt (Architect for Rowley Development): this is for property on Golf Links Road. It is PID and there are 2 parcels existing warehouse buildings and add on to this (map) this is Golf Links road (map) and golf club is here and camp and East Main Street is there.

They are expanding and need more space and near to what is permitted to build here now. 1 story with some office space. Addition to this building (map) red shown) additional 6750 sq/ft with 1300 sq/ft office in front. This has several issues with setbacks. This is property line (map) side yard is 50 feet which is what building is now and not like to merge or change the line since they are financing or what have you. Reduce side yard here (map) to build addition to building. This space (map) is landscaped area not seen by anyone. This dotted line (map) is 65 foot easement to this building (map) for fire protection and with addition more than 100 feet apart. Basically I suppose theoretically revise lot line with 50 foot side yards and rather not do and keep parcels in tact. They can and need to provide 60 easement.

Mr. Mattatall It does not exist now?

Mr. Abt: No. this is also PID and new buildings have to be 200 feet from the sewer plant. This is closer it is 50 from back line the building is 100 from the line but closer than 200 feet and seek variance for side yard, separation from the plan. Owners also have storage shed behind building encroaches within the corner 2 feet of 50 feet and is existing they put there and make that legal.

Main thing is be able to expand building and 1 story and would like the building does now (showed with landscape in front) and continuation of the office area of the front and roof line continue to the side.

Mr. Mattatall You have parking you need?

Mr. Abt: Yes, adequate for the site.

This is photo of where addition would be with landscape. The easement is for storm drainage and roof goes to retention basins here (map) and easement for fire fighting, draining.

Mr. Mattatall: More comfortable with easement more than proposed easement.

J Owen, Esq.: If they make part of the plan they can't build unless it is in there.

Ms Guenste: What about 30 years when they sell it?

Mr. Mattatall: The right of way is on which parcel?

Mr. Abt: They need it to get a permit and have to have easement to get building permit. Easement is permanent to both parcels.

Ms Guenste: The easement goes with the land, what in 40 years if they sell it.

J Owen, Esq.: They have to show permanent easement to get permit.

Ms Sullivan: 100 feet between each?

Mr. Abt: This is existing.

Ms Guenste: The storage is in the 200 feet – separate. Are they gated driveways? When can we see it?

Mr. Abt: Yes. They are open in during regular business hours. Close at Noon on Saturdays. 8-5 during the week.

Mr. Mattatall: We need to k now the distance from the plant.

Mr. Abt: The surveyors are doing that now.

Mr. Mattatall: We appreciate the color.

Mr. Mattatall: I Move to hold a Public Hearing on May 8, 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.

MEL FERRER (Bonheim, LLC)

Mr. Ferrer: I was not present last month as I had an accident. There is another fee to file for adjournment and I apologize. My attorney told me I needed to explain and like to appear next month.

Mr. Mattatall: The mailing – the newspaper. Your attorney did know what had to be done. The Building Department is open in the morning and they can help you with the application.

Mrs. Thompson: The paper will bill you.

Mr. Ferrer: He was unaware he had to pay another fee. He said he was not notified. I want to get the ball rolling again. I come to building department I can pay them and go from there?

Mr. Mattatall: Please see Dolores.

Mr. Ferrer: I left off with a review.

Mr. Mattatall: Public hearing was set for 3/13. He did not show.

Mrs. Thompson: It was republished for tonight, however.

J. Owen, Esq.: It has to be republished.

Mrs. Thompson: The Times Herald Record will republished and you will be billed. The first time we put it in and the Town pays for it, the second time you have to pay. You will be billed by the newspaper. I contacted the newspaper and they said you had not paid for it. They will contact you.

Mr. Mattatall: I Move to hold a Public Hearing for Mel Ferrer for Bonheim, LLC on May 8, 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 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.

CORRESPONDENCE:

Mr. Mattatall: We have received a request from the following applicant James Marvin who was granted a variance at the December 12, 2005 requesting a 6 month extension:

James Marvin: Request for variance of 249-3 (accessory building)
From the permitted 28x28ft to 30x40ft;
Property located at 105 Shaw Road
(SEC 60 BL 1 LOT 26.3); Designated RA.

Mr. Mattatall: I Move to grant the six (6) month extension; Seconded; All in favor; Motion carried.

Mr. Mattatall: We received a request from the following applicant James and Debra Beamsdefer who was granted a variance in October 2002 meeting for a 6 month extension:

James/Debra Beamesdorfor: Request for variances:
1) 249-9 (fence height) from 4ft to 5ft;
2) 249-3 (accessory) from 28x28ft to 200x80ft and 96 x 36ft;
For proposed riding area, barn and fence for horses to comply with Victor Erickson of 5/9/02;
Property located at 60 Shaw Road;
(SEC 24 BL 1 LOT 55.4); designated R-2.

Mr. Mattatall: I Move to grant a 6 month extension; Seconded.

DISCUSSION:

Mr. Mattatall: The applicant submitted the following letter (Attachment 1) and said the process is taking longer than anticipated....finalize the plans over the winter plan to submit plans later this year.

Mr. Mattatall: They have done a lot of work on this.

J. Owen, Esq.: When was original granted?

Mr. Matatall: October 2002.

Ms Guenste: Has it or the project changed since then? The location?

Mr.Mattatall: They are constantly working on this. There is a metal no-climb fence in front.

Ms Guenste: They want an extension to October.

J. Owen, Esq.: I don't think you have given extension each time.

Ms Guenste: Can we give them a two month extension.

J. Owen, Esq.: It will give the Board an opportunity to research it.

Mr. Mattatall: I Move to accept the request for the extension of 2 months; Seconded; All in favor; Motion carried.

DECISION:

Mr. Mattatall: Applicant granted a two (2) month extension.

N. Guenste: Regarding an applicant, Cheeseburger in Paradise. Can we send them an official to the building inspector regarding 'Cheesburger in Paradise' as the sign still remains.

Mr. Mattatall: I have spoken with them informally about the sign there. We can send the Building Department a letter.

MEETING CLOSE:

Mr. Mattatall: There being no further matters to be presented to the Board; the Motion is made to close the Meeting at 9:12pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL ZONING BOARD OF APPEAL

APRIL 10, 2006

DECISION SHEET

DAVID WIEBOLDT
(Robert Warren)

Request for a variance of 249-12D (parking):
5) Parking lot #1 side from 10 ft to 1ft 8 inches;
6) Parking lot #2 side from 10 ft to 5ft 2 inches;
7) Driveway #1 side from 10ft to 1ft 8 inches;
8) Driveway #2 side from 10ft to 7ft 0 inches;
Property located at 513 East Main Street
(SEC 50 BL 2 LOT 13); Designated HC.

DECISION: Variances granted.

JASON LILES:

Request for a variance of 249-22(D) (rear yard set back):
1) From 30ft to 22ft;
For construction of two decks;
Property located at 119 Fairfax Avenue
(SEC 76 BL 5 LOT 2.1); Designated R-1.

DECISION: Variance granted.

TOM BARONE

Request for a variance of 249-22-D(A) yard set backs:
1) Front yard from 35ft to 33.5 inches;
2) Side yard from 20ft to 5ft 6 inches;
3) Side yard from 20ft to 3ft 8 inches;
Property located at 38 Sandburg Court
(SEC 87 BL 1 LOT 121); Designated R-2.

DECISION: Variances granted.

DWAYNE ROSADO

Request for a variance of 249-3 (accessory building):
From 24ft x 2ft to 40ft x 45ft;
Property located at 430 Rt 211 West
(SEC 49 BL 1 LOT 38.1); Designated HC.

DECISION: Variance granted.

MARC J. TOLEN

Request for a variance of 249-19(1)
(lot area and road frontage right of way);
Property located at 131 Hill Road
(SEC 60 BL 1 LOT 73); Designated R-A.

CONTINUE to May 8, 2006

VARIANCE EXTENSIONS:

James Marvin: Request for variance of 249-3 (accessory building)
From the permitted 28x28ft to 30x40ft;
Property located at 105 Shaw Road
(SEC 60 BL 1 LOT 26.3); Designated RA.
Variance granted 12/2005.

DECISION: Six month extension granted

James/Debra Beamesdorfer: Request for variances:
1) 249-9 (fence height) from 4ft to 5ft;
2) 249-3 (accessory) from 28x28ft to 200x80ft and 96 x 36ft;
For proposed riding area, barn and fence for horses to comply with
Victor Erickson of 5/9/02;
Property located at 60 Shaw Road;
(SEC 24 BL 1 LOT 55.4); designated R-2.

DECISION: **Two (2)** month extension granted