

TOWN OF WALLKILL ZONING BOARD OF APPEAL
MEETING MINUTES
APRIL 12, 2004

PRESENT: J. Mattatall
Ellis Oster
James Owen
Oral Smith, Chair
Priscilla Thompson

ABSENT: William Morgan

The April 12, 2004 Meeting of the Zoning Board of Appeal opened with the pledge to the flag followed by the roll call and presentation of the March 8, 2004 Meeting Minutes.

The Motion was made to accept the minutes as written; Seconded; All in favor; Motion carried.

HEARING REVIEWS: (May 10, 2004)

Torres:

Mrs. Thompson: When was it purchased?

Mr. Torres: March 2003.

Mr. Smith: Your public hearing is to be scheduled for May.

Mr. Smith (to the Board): Are there any questions for Mr. Torres?

Mr. Mattatall: No. Your drawing is pretty clear.

Mr. Smith: I Move to hold a Public Hearing for May 10, 2004 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; Al in favor; Motion carried.

Mr. Smith: 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 two weeks. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing Date. The mailings must be sent either by certified or registered mail. Bring the proof of mailings with you to open your Public Hearing. It can't be opened without your proof of mailing.

Joseph A. Brown:

John Nosek, Roger Ferris Engn: It has an approved variance that expired and they were unable to be here for an extension.

Mr. Smith: You will need to go through the process again.

Mr. Oster: What size lot do you have now? It's on the print here.

Mr. Smith: Is this under Elizabeth Brown?

John Nosek, Roger Ferris Engn.: It was under Lantec. They have since dissolved and are now here.

Mr. Oster: It was in the Summer review and expired in December?

John Nosek, Roger Ferris Engn.: Yes. Nothing has changed at all and we want to proceed with it.

Mrs. Thompson: Empty lots?

John Nosek, Roger Ferris Engn.: Homes are on each side, yes.

Mr. Smith: Lot width from ... this has been increased since then.

Mrs. Thompson: This is RA.

Mr. Smith: RA is 200 and 300 feet deep.

John Nosek, Roger Ferris Engn.: We need depth and width.

Mr. Smith: Lot width is 200 to 145 ft; side yard 40 and 100. Variance is on the side is 100 to 60 ft.

John Nosek, Roger Ferris Engn: We look at 40 to 35 on one side and 2 side yards 100 to 85.

Mr. Smith: Are you still at the acreage?

Mr. Owen: It is 2 acres.

John Nosek, Roger Ferris Engn.: The plan is 50800 or 1.2 acres.

Mr. Smith: The RA is not less than 2 acres. So from 2 acres to 50,860 sq/ft.; depth is fine.

Mr. James Owen: What are the soils?

Mrs. Thompson: 41-C.

Mr. Smith: I Move to hold a Public Hearing on May 10, 2004 at 7:30 p or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

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David W. Phillips: Apply for storage barn for cars – pole barn.

Mrs. Thompson: You got a variance 15 years ago?

Applicant: Yes.

Mrs. Thompson: Do you work on cars there?

Applicant: Yes. The race track makes a lot of noise.

Mrs. Thompson: This looks bigger.

Applicant: We have one already its 30x40.

Mr. Smith: It's an accessory building in R-2.

Mr. Owen: 249-20 is R2; 249-3 is accessory – that is where I have found it.

Mr. Owen: 249-7.

Mr. Smith: It is 249-8

Mrs. Thompson: The application says 28x28 and they want it bigger.

Mr. Oster: This is the only thing they are going for pursuant to 249-3.

Mr. Smith: I Move to hold a Public Hearing on May 10, 2004 at 7:30 p or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Smith: It will be 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 two weeks. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing Date. The mailings must be sent either by certified or registered mail. Bring the proof of mailings with you to open your Public Hearing. It can't be opened without your proof of mailing.

EMPIRE DRILLING & BLASTING:

Applicant: This is for an interpretation for land usage. Originally is was 19 some acres for Brozkowski. Request for accessory 24x24 to 24x48 on King Road designated RA. It was granted and there was a use variance for use for home business. They were operating wholesale auto parts for extended amount of time.

Mrs. Thompson: They were not caught.

Applicant: We were told they had been operating and why they had the long building in addition to the pre-existing building.

Mr. Smith: It was in 1993 for an oversized building but if other variance was granted we don't have it.

Applicant: Would there not have been reason given for a need for the building?

Mr. Smith: No. They would tell us what they were going to use it for. The request was for an accessory building. From there I don't know where you want us to go.

Applicant: We were told by the Planning Board to see if we can operate on it. We own the 36 acres next to it.

Mrs. Thompson: What is the business?

Applicant: We have a home and home storage and keep the yard tractor and want to have in the future a tractor trailer, dump truck. And at this time we have old equipment we are selling or moving it out off the property. We want it for storing the dump truck, trailer and own personal vehicles.

Mrs. Thompson: What about the blasting business – blasting stuff?

Applicant: Only for storing things.

Mr. Oster: The variance is for an over sized building.

Applicant: I thought it was use variance.

Mr. Oster: It all revolves around the building. There is activity of the use variance outside the building.

Applicant: We were told that we were non-compliant to RA because of the dump truck and trailer and others are for personal use. And that I had to come for clarification for pre existing variance and on purchase told auto wholesale parts operated out of.

Mr. Smith: It was operational at time you purchased it?

Applicant: Yes. We are not using it as a commercial building.

Mr. Smith: Start with some type of survey and layout of the property – we have to have that.

Applicant: I have one from 1982 but that does not have the accessory building.

Mr. Smith: You can draw on a photo copy and give to the Board. As far as running business - we want to see layout and prove business was running.

Mr. James Owen: If it was non-compliant it has nothing to do with it.

Applicant: I did get where they went to the PB for a home occupation – a use variance was to be obtained from the ZBA (7/29/82).

J. Owen, Esq.: They need use variance regardless.

Mr. Mattatall: It is not in your home so its not home occupancy. You are not blasting in the home you realize. If you carrying beyond it its outside that. You can't have employees in home occupation.

Applicant: An accountant would not have secretaries to help them?

Mr. Smith: What would you like us to do? Do you want use variance?

J. Owen, Esq.: It was not a blasting or drilling company. You need a use variance to change the use.

Mr. Smith: You can go for a use variance to permit whatever business you are running out of there. If you want to go forward you need to revise your application. The use variance is a lot of criteria and you may not be able to do it on your own.

Mr. Oster: You don't fall under.

Mr. Smith: You can have 55 acres and your plan will show this.

Mrs. Thompson: Your application shows 18.6 acres.

Mr. Smith: We will need something for that.

Mr. Smith: Will you have plans ready for May?

Applicant: A new plan will take time.

Mr. Smith: If you have one you can modify it.

Mrs. Thompson: This is blasting and drilling.

Joseph Owen, Esq.: You should have it when you purchased it.

Applicant: I called the attorney and they sent the wrong set of plans.

Joseph Owen, Esq.: You need to get copies of the drawings (11) and forward them to the Board.

Mr. Smith: Please let us know by the end of the week if you will have the information together because the notice is filed in the Times Herald Record early next week.

Mr. Smith: You can be heard on June 14, 2004 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Oster: We can review your application at the May 10th meeting and then have the hearing in June.

Mr. Smith: We can stay with your application.

Steve and Carol Carrizzo:

Mr. Smith: This is 36 x 48ft and under 249-3 the accessory building is larger than 28x28ft. You have it drawn nicely and other setbacks are fine.

Mrs. Thompson: 100 feet from next property which is on either side of it.

Mr. Owen: This is RA.

Mrs. Thompson: Can't you put it in the middle?

Applicant: It falls off and it is flat there. We don't have to take down any big trees.

Mr. Smith: This is the proposed horse barn? Why so large?

Mrs. Carrizzo: We did not want a hay loft.

Mrs. Thompson: R-A – live stock / horses.

Mr. Smith: Not asking for anything else.

Mrs. Thompson: 100 feet for live stock.

Mrs. Carrizzo: Was told less for horses.

Mr. Mattatall: its one story with 10 on 12. its 26 feet or less its 50 feet.

Mr. Carrizzo: The first story 10 feet and then 10 on 12 so about 22 feet.

Joseph Owen, Esq.: 26 feet or less it is 50 feet from property line.

Mr. Smith: It is up to you to comply or come in for another variance.

Mr. Smith: Any other questions?

Mr. Smith: I Move to hold a Public Hearing on May 10, 2004 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

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CONTINUANCE:

Dusco:

Continuation from March 8, 2004.

Harold Pressberg, Esq.

Mr. Smith: The perk tests indicate better than soils maps show.

Harold Pressberg, Esq.: We have no issue with meeting with the Board of Health with water or septic and are not asking for any variance in connection with that.

Mr. Smith: I spoke with the town engineer. If you have different soils they will re-designate the area.

Harold Pressberg, Esq.: We got a preliminary from the engineer who compared it to the new law. These are Type C lots and the area if you look at the depth and width of the lot, is more than an acre and this is more than 2.5 acre – these are larger than the $\frac{3}{4}$ acre parcel; satisfy the other... they are not asking for bulk regulation variance. Given the amendment to the ordinance which designates them all as $\frac{3}{4}$ lots and no soil designation – we interpret it to say what the ordinance states. Assuming we meet the Health Department we are able to have them designated as build able lots.

They took out the soils. We are under Sub Section D of 249-20 and if you look at the new ordinance – look at local law that amended it you delete the reference to the soils type (looked at the books. Under section 240-20-D under “C” delete this and all replaced by $\frac{3}{4}$ acre. If look at $\frac{1}{4}$ Code Book.

Mr. James Owen: When they did the size of the lots they made them bigger. They are deleting a section of them but you use formula.

Mr. Smith: Do you have the Feb 04 (code book)?

Harold Pressberg, Esq.: I have 8/03. If you look at way the Code use to read, the new Code put in .75.

Mr. James Owen: Now it is a minimum of $\frac{3}{4}$ - not less than. You have no sewer and water so you use soils formula.

Harold Pressberg, Esq.: They took out the soils and put in $\frac{3}{4}$ and removed reference for R2 to soils formula.

Mr. Owen: This is for R-2 and two family dwellings. They did not repeat it on the next page is a all. It is confusing.

Harold Pressberg, Esq.: It says $\frac{3}{4}$ and no reference to the soil type.

Mr. Smith: Not less than .75 of an acre.

Harold Pressberg, Esq.: That is specifically what they took out of Section D.

Mr. Owen: I think they changed the format of it.

Harold Pressberg, Esq.: They took it out of here and you are reading it as if they didn't do anything.

Mr. Smith: They moved it up to .75 acre. The soil conservation district will re classify, if you have soils different from the map they will reclassify it.

Applicant: No question of soils - which permit septic systems.

Mr. Owen: $\frac{3}{4}$ acre.

Applicant: If you take the local law approved by the Town, states to remove the ENV control with .075 lot minimum acre. We are well above that. That is the law that was adopted by the Town Board if I am not mistaken.

Harold Pressberg, Esq.: I don't think you can get clearer. There is ambiguity with what is in the book regarding minimum lot size. No clearer on action taken by the town board.

Mrs. Thompson: It is 3.25 acres and is clear.

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

Applicant: One says one minimum lot size "B" .75 acre and section before minimum 3.25 acres. Our understanding when this property was considered the local law was adopted took out the environmental soils.

Harold Pressberg, Esq.: That is clearly what they did in the law you have before you and put .75.

Mrs. Thompson: Type "C" shall be and soil types follow"

Harold Pressberg, Esq.: Section D it does not say anything about the soil types.

Mrs. Thompson: A for A lots; etc.

Applicant: Arrived at by using formula not less than 20,000 sq/ft.

Mr. Mattatall: It is 249-C use to 249-19 section previously; deleted but retained the soil factor; it cleaned up language – that is all it did. Soils factor still in place in this Section.

Mr. Smith: Based on soil 3.25 but no less than .75 acre. Where do you want to go with this. You will need 4 positive votes or you may wish to carry it over until May.

Mrs. Thompson: We still have to look at area variance on Lot #5.

Mr. Smith: We vote on them separately. You can wait or vote on it tonight.

Harold Pressberg, Esq.: I think given the fact we can show that they will meet perk test we are requesting interpretation or variance since no reason to have 3.25 acre size lot.

Applicant: There is a farm parcel in rear with house on knoll and lots in front would be smaller and not so elongated to meet acres. If you determine it is 3 ¾ acre apply ask request area for lots 1-4. according to do 4 lots and with this config overall 47 acre piece as opposed to combining 1-4 lots to be awkward.

Harold Pressberg, Esq.: Make it a condition of Planning Board or building permit approval it have to meet board of health standards.

Applicant: We have 2 applications because of the interpretation. Gary was there from the PB and bowling alley look was not something they like.

Mrs. Thompson: How go to smaller?

Applicant: Not try to create smaller lots in effort to create lots elsewhere.

Mr. Smith: You are not interested in expanding lots 1 or 2.

Applicant: Possible to make longer more than 1.22 acres and keep farm parcel but can consider it if you want us to.

Mr. Smith: We can continue this to May if you like to review it. You may want to talk to soil conservation agency.

Mrs. Thompson: Why not try cut down to 4 lots and have acreage for farm lot – its so simple but you want the most money out of the land.

Applicant: There is potential with loop road , wetlands and do further subdivision but that not it. The 4 lots plus farm is 5 – to do less is cost prohibited.

Mrs. Thompson: Why cut it up.

Harold Pressberg, Esq.: : Same size access on northern that we want on southern. Only road without variance is longer drive. Drive not from another and lot 5 access is short disturb less area and not impact. You are just changing the area for where driveway is.

Mr. Owen: have 4 lots with flag lot in back and eliminating almost all the variances.

Applicant: We looked at cul-de-sac and potential for more than 5 lots on the property. To go to expense of the road it would be worth it and have 5 and only 5 and potential sub divide (looked at map).

Mrs. Thompson: We have to have the Town's interest.

Applicant: We may have to put in more lots to afford the cost of the land but 5 lots with variances is better.

Mr. Smith: You have 2 variances:

Harold Pressberg, Esq.: If we get wrong interpretation need 2 variances.

Mr. Smith: We are not going to reinterpret what is already written. It will be to what has been submitted before us. You have lot width and then 20-D the 4 lots with acreage in front of us what ever the acreage is.

Applicant: Please continue to May 10, 2004. Can we close the public hearing?

Mr. Smith: If we close it that prohibits you from submitting information as well.

Mr. Smith: This is continued to May 10, 2004.

Cambridge Manor

Mr. Smith: The public hearing is closed.

P. Botti, Esq.: If the board would not mind I'll make this brief.

You looked at the site map. You can see 4 apartment buildings and this was previously approved for 162 units and only 82 were built. We are making application to allow 52 units to be built now. If you have not had chance to look at the site the pictures are telling to its' usage and what is around it. This is enlarged photo looking from hill (photos) seeing parcel is sandwiched between apart building and strip mall. This is photo ground level if single level what they would look at. This is distant picture if looking 2nd floor of single family dwelling what it would look like.

Previously we submitted an appraisal and affidavit and Mr. Ferrante who has built over 100 homes, indicating the could not receive reasonable return if they built 3 family residences - it would be \$2700 per unit after construction costs.

This is what the 3 residences look like with driveways up to 700 feet and the maximum lots that could be placed there. We are proposing this (drawing) is 52 apartments adjacent to existing lots. If you heard comments from Public they looked at and their issues are not of zoning or socio-economic is what they talked about.

Also I provided you with appellate and it was purchased with knowing it is R2 zone but look at reality and what its' best use is. Under your own guidelines it might fit lodging house where lodging is provided without meals or compensation. They could be called lodging houses – that is what your definition is.

I think if you grant a use variance and look at the site it is a most appropriate use in a commercial type of environment.

Mr. Smith: We waited one month because of the additional hand outs and information they presented to us. Everyone has had opportunity to review them and we can go to a vote.

Mr. Smith: Any comments from the Board?

Mr. Mattatall: Frankly the property bought under existing zoning and does not allow usage you are proposing. It is not the purpose of Board to maximize your profit and you can get profit without granting variance.

Mr. Oster: I agree and view of what 3 homes would have is the same what the apartments would have. You are affiliated with dilapidated apartments which you have an association with. How long has the pool been empty?

P. Botti, Esq.: 4-5 years.

Mr. Oster: 2 years empty it has to be filled in by NYS law.

P. Botti, Esq.: No demand for a swimming pool – no demand at all. It was let out in fact for venture for neighborhood and not enough revenue to support the pool.

Mr. Oster: For the complex it might have been worth while.

P. Botti, Esq.: Pools are expensive to operate and people have put in their own and eliminated the pool.

Mrs. Thompson: We don't need to intensify the density and 52 people heading for work getting out of there.

P. Botti, Esq.: That was brought up last month and Mr. Garling did a traffic study that adding traffic had little impact on delay and 1-2 second or 3 seconds to pm traffic. Most vehicles there turn right.

Mrs. Thompson: Going out, but not coming home.

Mr. Owen: It was R-2 quite a while ago and high density project and lot of neighbors are against it and another use could be found in R2.

Mr. Smith: To approve Use Variance there are several points you have to cover and you did a good presentation and the hardship is somewhat unique. A change in zoning was some time ago and it's a way to limit a project. I have problems with impact on the community – traffic. I go to the post office and use the bank on corner and from experience question the 1-2 seconds and it will have an impact because it goes from 4 to 2 lanes right before that. I think they demonstrated the variance probably does not alter the character but fail it has not been self created. They bought it separately based on the existing R2 zoning at the time. It fails there. With that, we can go to a vote on this.

Mr. Smith: I Move to close the Public Hearing at 8:55pm; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following use variance under 249-20; Seconded.

DISCUSISON:

None

VOTE:

In favor (aye):	0
Opposed (nay):	5

DECISION:

Mr. Smith: The variance is denied.

PUBLIC HEARINGS:

SEEKAMP REALTY OF MIDDLETOWN, LLP

Applicant not present.

DAVID BRAUN (Berbro Management Corp):

Applicant not present.

WESTAGE COMPANIES: Request for a variance of: 1) 249-12-P (parking)
2) 249-28-D-3-B (landscaping). Property located at 75 Crystal Run Road
(SEC 60 block 1 lot 50.1); Designated PID.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the secretary. The Public Hearing was read at 9:00 pm.

Mr. Smith: I Move to open the Public Hearing at 9:01 pm.

Mr. Smith: Please present your application.

Adam Rodd, Esq. Drake Sommers, Loeb, Trashis & Catania.

I am here on behalf of Westage Companies and to give quick overview of the project. We propose to build an expansion on the existing building at 75 Crystal Run Road and it will be built behind existing structure at that address. Its before the PB now and they referred the project to the ZBA for 2 variances.

Specifically parking space and side yard variance.

With respect to project itself all other dimensions have been met: depth, front, yard and maximum site coverage. As the board will recall, we presented to you on March 8 with respect to those 2 variances and by vote 3 – 2 with respect to the traffic variance and 2-3 with respect to side yard variance. We studied minutes carefully and listened to your concerns carefully and our object is to address those concerns in modifications and changes to the application we are presenting to you. That is why we are here its an important project to the community and your concerns are important.

I want to introduce you to the presenters who can answer your questions and concerns:

ORMC Wayne Becker, VP and Ron Lewis Director of Projects
Pat Sheraton

Lanc & Tully, John O'Rourke

Traffic Study, Peter Vacillo
William Buckhold, Certified appraisal service.

Mr. Becker: I am the VP of new Projects at ORMC and administratively responsible for the Pavilion expansion and the development of new hospital for the community. Appreciate you are hearing the variances and clarify the need and move forward. A few minutes to explain the project for ORMC and strategy that supports growing health care needs of the community. We want to provide a broad range of healthcare services. AHH and HMC are now ORMC and have been in the community for over 100 years. ORMC now has 450 in-patient beds and 14 satellite out-patient facilities and the Pavilion is focal point for ORMC 2500 and the largest employer and 495 physicians and number one provider in Orange County. The expansion will have physician and clinical services. It was derived from assessment of best way to develop out patient services and grow current and new programs and meet current and project demands.

We want expanded ambulatory surgery – doubling it at the Pavilion with more surgery rooms; fixed MRI comprehensive imaging service at pavilion; cardiac, diabetes, wound care, expanded radiation oncology and urgent care. The need for physicians was determined by physicians and real estate professionals.

Why expand? Build upon success on Pavilion concept and offers services in attractive setting and model found across the country. Consolidate as much out-patient services at the Pavilion on location health services. Orange County is one of the largest growing counties and ORMC is experiencing explosion of physician and the model accommodates patient and physician needs. It is synergic between patient and hospital and most efficient model to provide outpatient care services. Key point is it is the crucial first step for developing new hospital and focal of out patient services and minimize those services in new hospital. Important for 3 reasons: minimizes expense of new hospital; improves feasibility; and separates in and out patient services to better accommodate patients services.

In conclusion, the Pavilion has multiple benefits for community and our effort to have the model for the best out-patient services and meet needs health care needs of community in to 21st Century.

John O'Rourke, Lanc & Tully: There have been changes since the last meeting (hand out). The same plan before you but smaller version and 2nd sheet is landscape. Along the NY State Troopers are 12 bushes move to more than 50. In addition, we have taken a photo of the existing and overlaid proposed landscaping – before and after and the trees shown are those planted in 1998 with 5 year growth.

Remember the barrack's impound area is back here and at grade with our parking now. 12 ft grade and it sits below us.

We had nosed in parking along barracks and its now parallel and as suggested put it up to front set backs; still in 50 foot set back. In addition landscaped the area adjoining BC/BS existing green area now. We hopefully have addressed your concerns. Go from 26 feet at the beginning parking to 14ft and 9 additional places for future and have 707 parking and eliminate the 9.

Peter Russillo, Traffic Engineers: (hand out) evaluation of existing of on-site by time of day. Our firm prepared evaluation of the facility and took county's on 15 minute maximum demand is 265 the peaks in mid morning and mid afternoon and did not coincide with adjacent street traffic but with the operation of facility itself. Based on this rate applied to existing sq/ft the 265 vehicles at maximum is 2.65 spaces per 1000sq/ft. If increase to allow for seasonal variation another 10 per cent that equate 2.92 spaces per 1000 sq/ft. with expansion to 286 yield need for 500 spaces. And of course we suggesting 707 spaces. In fact the 707 equates of 3.88 which exceeds current variance 3.85 – proved the degree of variance to what we are requesting at this time. Demand below what we have provided and if you look at ITE parking generation for this type of facility 100,000 sq/ft 2.67 and existing is 2.65. confident that what we propose in variance continuous support of the facility. I'll be happy to answer.

Mr. Oster: The handicap figure is from what?

Mr. O'Rourke: We have 32 and above required. If you went with no variance we would need 22.

Mr. Oster: You need 1215 total if you did not get earlier variances. On first one 661 to 382 and this time 554 and reduce 325 gets you your 707. if it was just before us you'd need 1215 parking spots. Does that buy enough handicap spaces?

Mr. O'Rourke: Yes. We need 24 without variances.

Mr. Oster: I agree and went through it 4 times and when buy it you had mobil CT will you absorb spaces?

Mr. Becker: The unit will be fixed with the new addition.

Mr. Smith: The percentage rate will not change?

Mr. Russillo: The degree of variance will improve over what is there today.

Mr. Oster: 58% and now 59% - all total its 58 ½.

Mr. Oster: Ordinarily, if I had seen t his number disappear and I deliberately went up there on 4 times and you had at least 70 and looked at handicap and get rid of small spots. So you have 707 anyone can park into.

Mr. Russillo: There are 9 additional that could be used, striped out now,

Mr. Oster: Why not use them?

Mr. O'Rourke: Because of parking space and lot,

Mr. Oster: They will be blacktop?

Mr. O'Rourke: No they will remain green.

Mr. Mattatall: Any other place to put 9 spaces?

Mr. O'Rourke: No.

Mr. Mattatall: The state police are not comfortable to putting parking that would affect security of the police facility. It overlooks their secure garage and you are providing parking space for someone legitimately park there and observe that . The Major was not aware of that and only correspondence is McGoey with traffic light and they want to work on that that does not affect that.

Mr. O'Rourke: We got mailing list from the Town.

Mr. Oster: It is a big project and you can certainly knock on doors and tell them.

Mr. O'Rourke: There is pavement there and increase it 9 feet.

Mr. Mattatall: Putting vehicles now a driving area, parking next to them and significant issue with this. If it were a correctional facility I would not want it next to it.

Mr. O'Rourke: Right now you can look into the improvement with screening area blocking the impound area.

Mr. Mattatall: That is not going to do it.

Mr. O'Rourke: Our intent is to screen it off totally.

Mr. Mattatall: I am in security and am apposed to it – largest in the State. If you can find other place for parking place that fine.

Adam Rodd, Esq.: Based on traffic study, the actual number of vehicles, the expansion and in terms of actual uses is 82 more parking spaces. So to address you concern with respect to that, with expansion 318 more spaces added and is 3 times more than study says is required. Your concern is one we take seriously. The photo depicts what view looks like now from 75 crystal run looking west and there is pavement now. Now there is view from paved area – unobstructed view and proposal mitigate impact (adverse) there are 12 trees and propose 50 and quadrupling screen age and making area of barracks less visible.

Mr. Mattatall: The screening is less important than parking vehicle in that proximity.

Adam Rodd, Esq.: There is paved area that provides access and with additional screening its only 35 spaces in the one area which is not along the totality of west end.

Mr. Mattatall: One is too many for me. I think you can have 35 near the road.

Mr. O'Rourke: We have maxed out that area.

Mr. Mattatall: I would give a variance on that.

Ted Patrol, Westage – This is the first time I am hearing about this. What about assigned people assigned to those spots?

Mr. Mattatall: It would not work.

Adam Rodd, Esq.: Based on study, the expansion will trigger 82 spaces we are proposing 318 and again easily satisfy the actual numbers historically what is there. We have evidence and in use for 5 years. If eliminate 35 from number based upon numbers we propose, still have more than sufficient to accommodate new expansion. You have photos at peak times – busiest times. There is plenty of parking and with proposal actual numbers and more than adequate if you take away the 35 spaces.

Mr. Smith: Do you have a problem with them in the front? Or, all of them.

Mr. Mattatall: All of them along the line and don't need them based on the traffic space.

Mr. Russillo: You have excess now.

Mr. Smith: If you take them out can you find 25 spaces or 20 some how?

Adam Rodd, Esq: Direct to engineer?

Mr. O'Rourke: We have looked at this quite often and to get the places was reduction to allow traffic to loop around. The non-strip is for trucks to turn around. And unless move to zero and reduce buffer, and due to water and DEC can't go back any further in this direction (looking at the map).

Mr. Oster: The troop has a problem they should have brought it up with BC/BS and have better view from the parking lots and they could opaque the fences if they have a concern. That would

handle the parking area and visibility better from inside the building. That can be addressed by Troop F.

Mr. Mattatall: Things have changed since September 11.

Mr. O'Rourke: Would the opaque fence make a difference?

Mr. Oster: Or, work with Troop F?

Mr. O'Rourke: We are amenable to that.

Mr. Owen: Contact Troop F and see what they want.

Adam Rodd, Esq.: Yes contact them.

Mr. Mattatall: Talk to Capt. Cahill; they said they had no knowledge this was going on.

Mr. Smith: Is there a fence?

Mr. O'Rourke: With the landscape and fence that would take care of it.

Mr. Mattatall: If they have opaque fence the length of the property that would take it.

Mr. O'Rourke: The fence runs to this location (looked at map).

Mr. Mattatall: The front is in public view, the back is not.

Mr. Smith: From beginning of parallel fence.

Mr. Smith: How high with out a variance? The fence is existing.

Mr. Oster: An opaque fence can be done.

Mr. Mattatall: They will want to talk to you directly and send something in writing. This is a different type of facility.

Mr. O'Rourke: See what he wants us to address.

Bill Buchalter, Appraiser: I was called in to speak to 2 issues with regard to area variance: will this proposed variance have adverse physical condition of the area and will it change character of the area?

First as you are aware my office is across the street and go up there for lunch on regular basis and familiar with getting in/out of it and see grounds concern regarding the Troop F barracks. Will it change character of the neighborhood? Its populated with motes. Fast food and offices and other side of street 90 Crystal Run Road and parking goes to the road and the variance as requested will not change character of the neighborhood or be detrimental. The second is its adverse affect on environmental area and it is heavily trafficked now and street lighting was installed a few years and they pay on front footage of our yards. There have been approval granted for rest, hotel, motels in the area and accepted by Town and population this is commercial office-developed area. regarding privacy in this type of area and things changed as

September 11, overall granting of variance will not have adverse impact on physical or environmental conditions of the neighborhood.

Mr. Smith: Any questions from the Public?

Nina Guenste: I wanted to say I have been listening and its great and I use the facility and no reflection on the police needing or not parking where they can see into the property September 11th if they have things they want not seen they should be responsible for securing their area and the applicant should not be responsible for that. You can see in there from any location not necessarily near the fence with today's high tech and cameras.

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

Adam Rodd, Esq.: The five factors:

- 1) proposal adverse change of the neighborhood: it would not – it is in keeping with existing and expansion is consistent with what is there. It meets most dimensional except side yard and parking.
- 2) Side yard – add additional screening and certainly consent to creation of fence to block view that conforms with the zoning and reduce parking spaces proposes by 35 to eliminate the spaces all together. In traffic study – expansion trigger need for 82 and proposing 318 and will have more than enough parking spaces.
- 3) If achieve by alternate means – other than variance it triggers by expansion 1 per 150 sq/ft area kicks in automatically .
- 4) Side yard variance is finite sized lot and add more screen age and put in fence to block any visibility.
- 5) Criteria if variance is substantial – we are not seeking quantitatively and improve and add screen age and add spaces and as study indicates enough spaces to accommodate building.
- 6) Proposal result in adverse or environmental problems – the PB will go through environmental concerns with respect to project and building existing for 5 years has track record and success.
- 7) Self create – we submit its community need for out patient services logically and reasonably in existing area where out-patient services are being provided.

Thank you for hearing us and request you look favorably upon this.

Mrs. Thompson: I think it should be kept open to get feed back from State Police.

Mr. Mattatall: I agree.

Mr. Owen: Yes.

Mr. Smith: Any further comments? (no)

Mr. Smith: The Board is under consensus to keep open until hear from State Police.

Mr. Mattatall: They can say they worked it out or submit something in writing.

Mrs. Thompson: I'd like to keep the PH open.

Adam Rodd, Esq.: Can it be open with respect to that one issue – information from trooper?

Mr. Smith: We can vote on the other.

Mr. Oster: That would have an impact on parking potential.

Mr. Oster: My final comment is the reduction of 42 percent we keep these parking spots and not have piles of snow - you don't lose spots for snow. You are above. An example is the dead plow in back lets not have that.

Ted Petrillo, Jr.: Our schedule now is backed up with the Planning Board and we want steel by the end of August/beginning September and want to get the building closed in before Winter or it gets delayed for 5-6 months. Can we agree to satisfy the state police as condition of approval tonight.

Mr. Owen: There can be a condition of the state trooper's approval of any type of screening.

Mrs. Thompson: This is the first they have heard about it.

Mr. Oster: They were notified.

Mr. Smith: As the person from the public said, they are responsible for providing screening too.

Mr. Mattatall: I can't believe someone did not go over to them.

Ted Petrillo, Jr., Westage: We wrote a letter to Col. Chrysler and the use of the detention pond area. After couple of phone calls to him and he was to refer it to correct people in the agency and we heard nothing. This is going back 3 months ago that they were aware of the project.

Mr. Mattatall: You have a lot of bureaucracy there. There are troopers and corrections.

Mr. Oster: Even if someone from Troop F contacts you, can they make that decision on working on it.

Mr. Smith: They have been notified.

Mr. Mattatall: I like them to have direct input on that.

Mr. Smith: They can have direct input as part of variance. Suitable fence or other barrier approved by Troop F – local commander.

Mrs. Thompson: I think they should be here for input.

Adam Rodd, Esq.: We can have opaque and reduce 35 spaces. We have made notice as required and it has been discussed.

Mrs. Thompson: They knew about it in Albany but not here.

Adam Rodd, Esq.: What?

Mrs. Thompson: What you are saying is correct, too.

Adam Rodd, Esq.: We are fully accepting of that.

Mr. Smith: You were there.

Mrs. Thompson: You knew the Code when you designed the project so I don't want to hear all these complaints about it.

Mr. O'Rourke: I agree to meeting with ZBA.

Mr. Mattatall: Opaque fencing and planting have advantage over the situation.

Mr. Becker: We want to avoid further delay.

Adam Rodd, Esq.: As far as it being a concern, they don't want visibility, we can provide that.

Mr. Mattatall: Opaque fencing and keep the essential planting.

Mr. Oster: The state police may say fence is enough.

Mr. Mattatall: If you say that they fence could be as long to get back to them as the drainage. If you have screening that fulfill – you can't move the buildings and people designing buildings they have different criteria. Making best of what you want. Do I think you need the spaces – no, but less spaces is dangerous land.

Adam Rodd, Esq.: We are acceptable to opaque fencing.

Mr. Mattatall: If you put reserve spaces along the fence is fine – accountable for who is there is fine.

Ted Petrillo, Jr., Westage: Designated future use as determined for employees of the 35 proposed spaces.

Adam Rodd, Esq.: 35 on the western edge.

Mr. Mattatall: I'd like to see them here but it could drag on and more than what we are talking about now.

Mr. Smith: I Move to close the public hearing at 10:10 pm.; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following variances:

1) 249-28-D-3B (landscaping) proposed reduction 26 to 12.2 feet for 870 ft on westerly side on condition: its designated parking for employees only subject to condition opaque or other similar barrier acceptable to NYS Police as shown on Plan revised: 3/23/04 presented 3/3/04; Seconded.

DISCUSSION (None)

In favor (aye):	5
Opposed (nay):	0

2) 249-29D-3B (landscaping) reduction to 10 feet landscape strip extending an additional 285 feet beyond the 20x4 reduction to 10 feet strip extending additional 285 feet beyond the 10x400ft variance as granted in 1997 and running along east property line beginning at the west side of the back driveway; Seconded.

DISCUSSION (None)

In favor (aye):	5
Opposed (nay):	0

3) 249-12-P (parking variance): Total spaces from total 936 to 707; Seconded.

DISCUSSION: (None)

VOTE: In favor (aye):	5
Opposed (nay):	0

ALTA EAST, INC.: Request for a variance of 1) 249-28-D-3B (landscape); 2) 249-8 (canopy over gas refueling station); Property located on Rt 302 and Rt 17 (east-bound ramp) (Section 22 BL 3 LOT 54); Designated PID.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing notice was read at 10:14pm.

Mr. Smith: I Move to open the Public Hearing at 10:15 pm.

John Cappello, Esq.: I am here to present application for a 2-lot sub division and sent here by the Planning Board for variances.

The one relating to the canopy is provision 249-8 accessory building closer to near to front line than principal building. The building in question is canopy is in set back in PID but in front of convenience store where you pay for gas. Since use is gas filling station, pumps are not accessory without pumps to fill not a filling station. That is a use and why other gas stations has pumps in front with canopy. If not, every station with canopy would be before you.

Mr. Oster: And they are. Is it state law for a canopy?

Mark Dombal: For fire suppression.

John Cappello: I'll go through the criteria area: Does benefit to the applicant out weigh detriment health safety of community by grant of such variance. Undesirable change or detriment to property. Across is Best Buy with canopy in front; old steel building in lumber company and residential uses on other side of Rt 17. We intend to go in front of the PB with a plan with substantial screening and not able to see station from up and over ramp and truck repair not visible from ramp and consistent with neighborhood.

Other question is some method feasible other than area. Other than fact we don't think we need variance – is not to put up canopy and could not have suppression and station. To put behind fire safety is issue and impaired by facility and unfeasible and why 99.9 have stations in front and other is to have archway to connect to building but unnecessary expense and not help anyone or not make it look better

Substantial – it meets front yard set back and building store is accessory to gas pumps; gas can be without convenience store. And it therefore is more primary.

If the variance is self created – and the law was as it is today and not know you need variance and gas stations are permitted and special use for PID gas station requirement is pumps are 20 feet from property line. It does not jive being behind the building.

Mr. Oster: We have had others come with canopy and it is flexing our rules but they need them for extinguishing system and not had problem with them in the past.

Mrs. Thompson: I don't have a problem with it.

Mr. Mattatall: Well presented.

John Cappello, Esq.: The second issue is more complicated – the buffer or side yard requirement. Asked for variance 249-28-D lot and building in PID but if look in Code section that is filling station in PID 249-28-c-15 – gas filling station – requirement says specific is 40,000 sq/ft all remaining lot standards comply 249-26-D lot type C. If you look at 249-26-D (bulk HC) don't require 50 foot screening but 25 foot side yard. Only require screening if adjacent to RA or R1 or R2 district. Same goes for automobile sales and service center which is for rear part. Motor vehicle require meet yard requirement 249-26-D – specific to those regulations and 4 or 5 uses in PID where they comply. If any ambiguity in favor of property owner – not ambiguous here; 2) give meaning to all meaning of words in Code – comply with 249-26-D – some meaning must be given to those words. Only reason 4 or 5 uses in PID governed by use code, bulk table in HC district. Several uses but not all uses, i.e. office, manufacturer, research, day care, eating/drinking establishments. We would like clarification for the PB. We are providing substantial buffer.

Mr. Smith: 20 feet then.

John Cappello, Esq: The DOT wanted certain distances from the ramp and did not approve the access drive.

Mr. Smith: What else did the DOT mention?

Mr. O'Rourke: No access in the back section. Initially when DOT bought rights for widening 302 and 17 they bought without access and limited to 65 feet for access. That is where it locks the proposed driveway into the lot.

Mr. Smith: Southerly 65 feet.

Mr. Smith: Anything on the re-design of the cloverleaf?

Mr. O'Rourke: No. Again from DOT point of view they say we can access from here (drawing); no additional land to be taken.

Mr. Smith: (presented correspondence from DOT to applicant and the representative read them). Take look at the map.

Mr. O'Rourke: Did anyone contact you on that?

Mark Dombal: No.

Mr. Smith: It is not written in stone but pretty good of what will happen. Takings have not been done yet. The letter shows redesign of exit ramps running right through their property and taking the whole frontage.

Mr. O'Rourke: It's going into the wetlands.

John Cappello, Esq.: We have to re look at it and speak with the DOT but need an interpretation now.

Mr. Smith: You may wish to keep this open and continue with the DOT.

John Cappello, Esq.: We can not go further until this is further detailed. We are here for an interpretation. We have to go to the Planning Board. If you agree of use 26-D table and can get gas station and canopy in front and final design but not come back here necessarily.

Mark Dombal: From dealing with these folks (state), it is in our best interest to move forward until we have something more concrete from them.

Mr. Smith: I wanted you to be aware of it.

Mr. Smith: Any questions from the Public?

Nina Guenste (public): I live near here – they are asking for a variance for canopy on proposed convenience store and gas station. I can see if it is existing but brand new location. It is new so to say ‘well we are putting this stuff so we need variance’ – this is a crazy spot anyway and cars back up to get on the quick way any way. If building a new building within the zone and now ask for variances before building.

Mr. Smith: Do you want to pump gas in the rain?

Nina Guenste (public): To design something new to have a variance is not right and that is my question.

Mr. Smith: Thank you.

Greg Palmer (29 Beverly Drive): I did not receive any notice and would like to know if anyone else did not get notice.

John C. Cappello, Esq.: We got list from the Town.

Greg Palmer (Public): I am across the street.

Mr. Owen: Are you tax payer?

Greg Palmer (Public): Yes.

John C. Cappello, Esq.: With what the state has taken you may not be within 300 feet.

Mr. Oster: Three were returned – was his one of the 3?

Mr. Smith: Any comments?

Greg Palmer (Public): We have a gas station on the other side already and don’t see another one. I know they took chunk of 17 and the trees leaving our back yard on 17.

Mrs. Thompson: Is Palmer your parents?

Greg Palmer: They are neighbors, but did own it.

Mr. Smith: They did comply. Continue.

Greg Palmer (Public): They took property along 17 for the exit ramps’ redesign leaving nothing between houses and 17 and what they are doing here. No need for another gas station.

Mr. Smith: Thank you.

Mr. Palmer (39 Beverly Drive): I feel the same and the exit is busy on 302 and there are no lights other than yield and stop sign and don't see need for what they are trying to do. Our view is now wide open since State came through and took trees.

Arlene Keese (61 Beverly Drive): I don't see need for another gas station and convenience store. We don't need it or trucking business in that area and residential in the area and the TOW is not doing that. We can look at it and traffic on and off, kids off on buses and can't stop it but don't like it. I'd like to see a picture of the configuration of it.

Nina Guenste (public): Earlier this morning I was at Best Gas and asked the owner if I'd see him and he did not get notified and he could not get there and Seekamp did not get notified. It would affect him economically and told him I would mention it.

Mr. O'Rourke: Showed plans proposed by state in correspondence.

John C. Cappello, Esq.: He may lease it and we notified everyone on the list.

Mr. Owen: He was to be here on another matter tonight.

John C. Cappello, Esq.: Issue here is we don't believe we require and clear as to requirements for filling station which are permitted and take their names for notice for PB if state does not take the land and make sure they are notified and work with them on screening. Gas stations are special use and is PID zone and types of uses required and canopy is convenience but necessity and locating the canopy to the rear...l

Mr. Owen: Why not behind the station – what is the reasoning?

John Cappello, Esq.: Traffic and fire suppression – easier to get fire protection in back in front and tighter squeeze than in front and why most station where pumps are in front. This if a filling station is not a convenience store so not accessory use and the accessory is the store which is in the rear. Half of people don't go into the store but pay with easy pass or what ever at the pump. No relief to have closer to the road; building with canopy in front. Some canopy being done in PB are attractive.

Mrs. Thompson: Could you do trucking if you don't have gas station? 2 across the street.

John Cappello, Esq.: Do you do that with pizza parlor or Chinese restaurant. It is an interchange for Rt 17 where people get off to get gas and coffee and get back on interstate. You look for that when you are on the highway.

Mrs. Thompson: Landscaping is withdrawn.

Mr. Oster: You want an interpretation.

John Cappello: The requirements are HC.

Mr. Oster: PID says to refer to HC. The PB will see it does not apply.

John Cappello, Esq.: It was 50 foot buffer and looking further it is a 20 foot side yard.

Mr. Smith: If you build gas stations they come with canopy as convenience to customer.

Mr. Owen: Why not connect to building and no variance.

John Cappello, Esq.: It looks horrible.

Mark Dombal: : Same operation on 3W in front of old Wilson Field with same configuration and works very well.

Mr. O'Rourke: it's a 30 foot expanse.

Mr. Oster: That is why they are there.

Mr. Smith: Looking at balance test no other way to achieve those means and not undesirable change to the neighborhood. If any thing new to the station it will enhance the area and understand with the access you are limited but you are not asking for variance and like that because the building in back limiting driveways coming on to the main highway. Your request is not substantial for cover over pumps. If it self-created – to some extent, but canopy is part parcel of convenience and gas stations. Wondering if you will build this and question what the full intent is here because looks like the State take the property any way.

Mark Dombal: We'll see.

Mr. Mattatall: The canopy is just how they are built these days and self –standing.

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

Mr. Smith: I Move to close the Public Hearing at 10:52pm; Seconded; All in favor; Motion Carried.

Mr. Smith: I Move to grant the following variance: 249-8 canopy over gas refueling station; 2) second variance withdrawn.; Seconded.

Discussion: None

VOTE:

In favor (aye):	5
Opposed (nay):	0

DECISION:

Mr. Smith: The variance is granted. Please see the building department.

XL CONSTRUCTION (Asher Sussman): Request for a variance of 249-22-D (front and rear yard setbacks); Property located on Third Street (SEC 52 BL 12 LOT 1.31); Designated R1.

Mrs. Smith: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 10:54 pm.

Mr. Smith: I Move to open the Public Hearing at 10:55 pm.

John Nosek, Roger Ferris Engn.: This is for the proposed variance for a front and side yard existing lot on Third Ave and Beech Avenue. Construction of a single family dwelling serviced with existing water/sewer. We meet the foot print but front porch variance of 4.6 feet over front yard min set back and deck 10x12 deck over rear yard by 9.5 feet. To get these in which add to the attractiveness of building propose these variances.

Mr. Oster: These have not been started yet? There were there yesterday.

John Nosek, Roger Ferris Engn.: If I knew I would tell you. I am for Roger Ferris and did the original plot plan. If he applied for a building permit with understanding porches and deck not built until variances. This is called a sub division.

Mrs. Thompson: This says future road line?

John Nosek, Roger Ferris Engn.: The PB wanted 25 feet to center of the road.

Mrs. Thompson: You are a lot closer than that.

John Nosek, Roger Ferris Engn.: We were told by PB that would not affect our application and no problem with where the front yard is located. He was reluctant it would affect front yard set back (he is Mr. Callenando).

Mr. Mattatall: That is where the road would be and hesitate to approve if road closer to the house.

John Nosek, Roger Ferris Engn.: Future widen of road ...

Joseph Owen, Esq.: State work this year.

Mr. Smith: Do you have approved sub division map?

John Nosek, Roger Ferris Engn.: I do not. I recall that the attorney sent letter to Mr. Callenando that it would not affect the building of the house.

Mr. Smith: The sub division taking of future road widenings so they don't have emanate domain and widening to 50 feet as property gets subdivided. They did it here and don't how the town then approved something with future widening that violates its' own zoning.

John Nosek, Roger Ferris Engn.: My opinion of what happened is he sought legal counsel that he would not give in the future and the Town would have to go to future condemnation to get it. He agreed to give them that and agreement with PB that dedication would not affect building the lots and by giving land would then be required to get variance.

Mr. Smith: We need to see the sub division map. Future road widening is making property subject to dedication. It is no mistake about hat.

John Nosek, Roger Ferris Engn.: If in fact the future road line dedication does the Board have other options to assume line at existing front line? Offers of dedication were worded that upon CO they would give land to town to avoid what we are discussing now.

Mrs. Thompson: With the land I had I had to give Town 25 feet.

John Nosek, Roger Ferris Engn.: It is not granted but if he wants to he can.

Mr. Smith: They can take it and one map filed its burdened.

Mr. Oster: The driveway to attach to highway for raw property this can be done as long as you give this to us. Not necessarily grant highway cut and suggest cut given as long as property given. Not sure the way it looks you don't need 3 or 4 steps to get to door well. What is before us, we don't know what variance you need based on which line. 35.5 to 31ft variance if take measure from future line road, variance may not do you any good.

Mr. Smith: Drops another 12.5 feet.

John Nosek, Roger Ferris Engn.: I was here for the Callendaro sub division and the PB.

Mr. Smith: If this is sub division they show road widening and use off sets from future road line even though they don't take the deed and Town take it when they widen the road. Town should have sent you here before.

Mrs. Thompson: People should have learned about this before.

John Nosek, Roger Ferris Engn.: PB told me we did not need to.

Mr. Smith: Ferris does a lot of work in the area and as people split up the land 25 feet from the center line 189 of Highway Law Section. User roads in the townships. I am surprised that this before us now.

Mr. Smith: Any questions from the public? (yes)

Nina Guenste (public): I saw where the lots were being built and it is already started. An 8 lot subdivision – why in the area and amazed me they had cement in when need variance. BI was not aware they were here for a variance.

Mr. Oster: Check in back and porch in front. Neither are there yet.

Nina Guenste (public): Here is something new and they built so it does not fit and we have laws for this.

Mr. Owen: Reason is under existing dimension of lot. They increased it and affected whole lot.

Mr. Smith: From this new line can't build here.

Nina Guenste (public): 25 feet – center the Town can come and do what they want.

Mrs. Thompson: Thank you.

Mr. Smith: We can hold the public hearing open until we get more information. We do need a sub-division map and speak with the PB.

Mr. Smith: I Move to hold open the public hearing to May 10, 2004; Seconded; All in favor; Motion carried.

Mr. Owen: Reason is under existing dimension of lot they increased it and affected whole lot.

Mr. Smith: From this new line can't build here.

Mr. Smith: We can hold the public hearing open until we get more information. We do need a sub division map and speak with the PB.

Mr. Smith: I Move to hold the public hearing open to May 10, 2004

XL CONSTRUCTION (Asher Sussman): Request for a variance of 249-22-D (front and rear yard setbacks). Property located on Third Street (SEC 52 BL 12 LOT 1.32); Designated R-1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 11:10 pm.

Mr. Smith: I Move to open the Public Hearing at 11:11 pm.

Mr. Smith: Please present your application.

John Nosek, Roger Ferris Engn.: This lot #2 and same situation 12600 sq/ft and corner lot on Silverlake Scotchtown and front yard from current right 35.5 ft for 5 foot overlap and foot print meets set backs on right of ways. The rear deck is 5 feet over and 5 feet relief on the rear deck.

Mr. Mattatall: The potential of dimension of the side yard on 1 side. Drainage easement does not affect it.

Mr. Smith: We don't need to repeat the comments and have road widening along Third Street. The Town is planning to improve.

John Nosek, Roger Ferris Engn.: I will provide copy of filed map and virtue of building permit received that its been understand front yard is from existing.

Mr. Smith: If that is what the Town has done, not hold it against him. That front is from 35.5 to 23 feet.

Mr. Oster: If you take 35.5 feet and the porch is less than 20 feet.

Mr. Smith: This is on two lot subdivision?

John Nosek, Roger Ferris Engn.: Yes.

Mr. Smith: Any questions from the Public?

Nina Guenste (public): The same comments as last month.

Mr. Smith: I Move to continue to May 10, 2004 at 7:30 pm; Seconded.

CORRESPONDENCE:

Mr. Smith: We received letter from attorney for Mr. Braun (Berbro Management Corp) (182 Brookline Avenue) that the hearing be heard on May 10, 2004 and is not available.

Mr. Smith: Attorney extension in 10/02 – extended before; variance for property 249-9 and 2 accessory buildings and indoor horse riding; Motion to extend 6 months; All in favor; Motion carried.

Jack Inturnich, Antunes (spelling corrected 5/10 meeting) 182 Brookline. Why was it not held.

Mr. Smith: He will do another mailing. It was a letter received from his attorney and is recognizing religious holiday. He has to re-mail at his own expense.

Jack Inturnich: He has been dancing with several times. I am the owner of the property. My concern is that I want to sell it to him he delays things in other things.

Mr. Smith: Take that up with your attorney. He was denied last Summer.

MEETING CLOSE:

Mr. Smith: There being no further items to be presented or discussed by the Board, Motion was made to close the Meeting at 11:21 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL
ZONING BOARD OF APPEAL
DECISION SHEET
APRIL 12, 2004

DAVID BRAUN (Berbo Mgt Corp.) Rescheduled for May 10, 2004

CAMBRIDGE MANOR: Request for a Use Variance for property located at the North of Rt 211 and East of Stone Ridge Road (AKA Scotchtown Blvd.);
SEC 41 BLOCK 1 LOT 78.211;
Designated R2.

DECISION: Use variance denied.

DUSO: Request for the following variances:
1) 249-29-D (lot width);
2) Interpretation of 249-20-D soils;
Property located at the East side of M&M Road (approx. 3000 feet south of Rt 17M);
SEC 14 BLOCK 1 LOT 103.2 and 104.13;
Designated R-2.

Continue: May 10, 2004

SEEKAMP REALTY OF MIDDLETOWN, LLP. Not present

ALTA EAST, INC.: Request for the following variances:
Property located at NYS Rt 302 and NYS Rt 17 (East-bound ramp);
SEC 22 BLOCK 3 LOT 54
Designated PID
1) 249-28-D-3B (landscaping)
DECISION: Variance request withdrawn at this time.
2) 249-8 (canopy over gas refueling station) for placement of accessory building closer to front lot line than the principal building.

DECISION: Variance granted.

DECISION SHEET (Cont'd.)

XL CONSTRUCTION (Asher Sussman): Lot 1.31

Request for a variance of 249-22-D (front and rear yard setbacks);
Property located on Third Street;
SEC 52 BLOCK 12 LOT 1.31;
Designated R-1.

Continue: May 10, 2004.

XL CONSTRUCTION (Asher Sussman): Lot 1.32

Request for a variance of 249-22-D (front and rear yard setbacks);
Property located on Third Street;
SEC 52 BLOCK 12 LOT 1.32;
Designated R-1.

Continue: May 10, 2004.

WESTAGE COMPANIES:

Request for the following variances:
Property located at 75 Crystal Run Road
SEC 60 BLOCK 1 LOT 50.1;
Designated PID.

1) 249-12-P (parking) total from 936 to 707 spaces.

DECISION: Variance granted.

2) 249-28D-3-B (landscaping):
Reduction to 10 feet landscape strip extending an additional 285 feet beyond the 10x4
Reduction to 10 feet landscape strip extending an additional 285 feet beyond the 10x400ft variance granted in 1997 and running along east property line beginning at the west side of the back driveway.

DECISION: Variance granted.

3) 249-28D-3-B (landscaping):
Reduction from 26 to 12.2 feet for landscape strip of land extending 870 feet on the west property line subject to condition it is designated parking for employees only and an opaque or similar barrier acceptable to the NYS Police be erected.
Site plan presented on 3/3/04 and revised 3/23/04.

DECISION: Variance granted.