

TOWN OF WALLKILL ZONING BOARD OF APPEAL
April 12, 2009

TOWN OF WALLKILL
ZONING BOARD OF APPEAL

April 12, 2009

PRESENT:

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

J. Owen, Esq.

EXCUSED:

Ms Sullivan

MEETING OPENING:

Ms Raffo: The meeting was opened with the pledge to the flag, roll call and presentation of the March 9, 2009 Meeting Minutes.

Ms Raffo: I Move to accept the March 9, 2009 Minutes as written (Seconded); All in favor; Motion carried.

The following Reviews (May 18, 2009) and Public Hearings were conducted and voted upon as noted.

CORRESPONDENCE:

Ms Raffo: We have received a request for an extension on an application approved on September 8, 2008 for Walter Murach. He is requesting a six month extension for property at 363 Howells Road the variance approved expires in April it was approved in September. I spoke to someone in the Town Clerks Office said I should send it here.

Ms Raffo: It was received in Town Hall in time for the six month extension request.

Ms Raffo: I Move to grant a six month extension of variances granted September 8, 2008: Request for a variance of 249-190-D(1): 1) area variance from 3.0 acres to 2.32 acres; 2) lot depth from 300 ft to 233ft; Property located at 363 Howells Road (32-1-30); Designated RA, subject that no further changes (including decks) to the current set backs; Seconded; All in favor; Motion carried.

PUBLIC HEARINGS:

Jan Witte: Request for an oversized garage (249-3):
1. From 28ft x 28ft to 24ft x 36ft.
Property located at 614 Van Burenville Road
(13-1-14)
Designated R-2

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

Ms Raffo: I Move to open the Public Hearing at 7:45 pm.

Applicant: We built garage in '05 (Bob Nicholson) and there was mis-communication on the size of the garage and it is oversized and we need a variance for 24ft x 36ft vs 28ft x 28ft that is normal size allowed. It meets all the side backs: side and rear. We did have permit for the permit as well which I have here. Lapse in paperwork is all.

The other object is tear down bungalow on the property now and put in a new home there for them. We need an area variance the half acre for a new home there that would meet all the set backs. So that is our plans.

Ms Raffo: From what I understand, you have close to an acre? You have 0.97 acres?

Mr. Witte: Yes 0.97 acres.

Ms Raffo: If the variance is granted there will be no further variances from the setbacks. You are aware of that? The house has to stay and you can't come back for a deck and move it closer to the property.

Applicant: Yes, I understand.

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

Ms Raffo: Any questions or comments from the Board? (No)

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

Ms Raffo: I Move to grant the following variance: 1) (oversized garage) 24ft x 36 ft; 2) area variance from 1.5 to 0.97 acres with stipulation there will be no additional variances on setbacks; Seconded.

DISCUSSION:

(None)

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VOTE:

In favor (aye) 6 Johnson, Petelinz, Najac, Dunn, Wilson, Raffo
Opposed (nay) 0

DECISION:

Ms Raffo: The variances are granted.

Ms Raffo: The variances are valid for six months and if you have not started work you must come back for an extension before that time or you will have to start the application process over.

Spadafora

Ms Raffo: The applicant has request a postponement to next month. His attorney has a schedule conflict this evening.

Ms Petelinz: At the last meeting you thought it might be a different week in May due to training schedule for members. There is one we should all go to.

Ms Raffo: The normal meeting is the 11th and training has been set up for that day. The Board can meet on the 4th or the 18th. There is a training that will not really affect the Board on the 18th.

Ms Najac: I move for the 18th.

Ms Raffo: I Move to meet on the 18th; Seconded (Petelinz); All in favor; Motion carried.

Ms Raffo: I will post notification of the change.

REVIEW: May 18, 2009

Winnium (area, use variance)

Mr. Winnium: There is an approximate 40ft x 80ft building existing on the property and formerly a dairy barn and part of the areas have been sectioned off and when I moved in I finished some of them and turned some into a game room but want permission for an apartment.

Ms Raffo: How big is the property? This is your original.

Mr. Winnium: Almost 5 acres.

Ms Raffo: Which of the barns – there are several barns marked here, is the one you are looking at. Any particular reason to turn that into an apartment?

Mr. Winnium: To help pay the mortgage. My situation have kind of changed a bit and changed dramatically over the last three years.

Ms Raffo: You live in the house?

Mr. Winnium: Yes.

Ms Raffo: I see remains and frame of other barns.

Mr. Winnium: Some I have cleaned up and some have fallen down and cleaned up and gotten rid of

Ms Petelinz: Pet how many sq/ft are in this?

Mr. Winnium: 1100 sq/ ft combo up stairs / down stairs combination.

Ms Raffo: This is actually a Use Variance for 2 residences on one piece of property. These are very difficult to come by. We will take a look at it. The law is very strict on this kind of stuff. We will see by next month.

Ms Raffo: You are not giving us specifications on the size of the area.

Mr. Johnson: He said 1100 inside the barn.

Mr. Winnium: 600 ft up stairs and down stairs is another 400. I can show you – the entrance comes through this area that comes in and 1/3rd of the up-stairs through here (looking at drawings)

Mr. Johnson: Like a one-bedroom apartment?

Mr. Winnium: That is what I figured. Only big enough for one person or couple without kids.

Ms Raffo: I Move to hold a Public Hearing on May 18, 2009 at 7:30 pm or as soon there after as the matter can be heard; Seconded. All in favor; Motion carried.

Ms Raffo: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the week. Take that notice, copy it and mail it to everyone on the list at least 15 days prior to your scheduled Public Hearing date. The 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.

El Bandito:

John Loch, Engineer, AFR Engineering and Land Surveying: It existing restaurant with patio area out in front utilized seasonally and wish to put addition out there to utilize on year round basis. The proposed 600 sq/ft addition and is a 61 x 41ft area and it would require because it less than required front yard. It is a corner lot and the bulk table lists both existing is 14.9 to existing building on side towards Dunning Road. The variance is set back on East Main Street where we would be proposing to put addition. We have given thought to other ways to do so but not practical because service concerns in the building: getting out, serve patrons, kitchen access and things. Additionally it does not do any thing for us putting it over on the side as the road takings by the bridge construction.

Mr. Wilson: This would be enclosed addition?

Mr. Loch: Yes.

Ms Raffo: You understand it will increase the size of the building and the parking to be looked at.

Mr. Loch: We are providing 48 and need 43, we are having discussions with County and re-engaging in our discussions with Planning Board if we have success here, concerning sidewalks and we have 3 spaces partially in county right of way. The County would like them removed but still meet adequate number of spaces.

Ms Raffo: Set back on East Main Street is why you are here?

Mr. Loch: That is correct.

Ms Petelinz: The proposed addition – is it going to be in exact foot print of the existing porch or patio what ever?

Mr. Loch: It is slightly larger if you look at the 2nd page. The 2nd page has the overlay. There is a lot of detail on that and a lot of stone work and curbing.

Ms Najac: You are not adding parking spots?

Mr. Loch: No – we have 48 may lose 3 but only need 43.

Mr. Wilson: What is current square footage of building now?

Mr. Loch: Looking at it roughly 4 times size of addition there so about 2,500sq/ft on one floor and 2nd floor is only a partial – not entire.

Ms Raffo: Floor area 32 proposed to 32....

Mr. Loch: ... we have it in the parking calculations on the 2nd page.

Ms Raffo: We know where it is and will all take a look for a hearing in May.

Mr. Loch: Will you do a site visit is that something you need the applicant for?

Ms Raffo: No.

Ms Raffo: This is for a front yard set back from 35ft to 23ft.

Ms Raffo: I Move to hold a Public Hearing on May 18, 2009 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the week. Take that notice, copy it and mail it to everyone on the list at least 15 days prior to your scheduled Public Hearing date. The 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.

Mr. Loch: Do I bring them to the Town or to the meeting?

Ms Raffo: You can bring them right here.

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MEETING CLOSE:

Ms Raffo: I move to close the Meeting at 8:28 pm; Seconded; All in favor; Motion carried.

TSB:jcd

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DECISION SHEET

APRIL 13, 2009

Jan Witte

Request for an oversized garage (249-3):

1. From 28ft x 28ft to 24ft x 36ft.

Property located at 614 Van Burenville Road
(13-1-14)

Designated R-2

DECISION:

Variance granted subject to,

No further requests for changes to approved variances.

SIX MONTH EXTENSION:

Walter Murach:

Request for a variance of 249-190-D(1):

1) area variance from 3.0 acres to 2.32 acres;

2) lot depth from 300ft to 233 ft;

Property located at 363 Howells Road
(32-1-30)

Designated RA

DECISION:

Variance extension granted subject to:

No further changes (including decks) to the current set
backs.