

TOWN OF WALLKILL
ZONING BOARD OF APPEALS

May 18, 2009

PRESENT:

Mr. E. Johnson
Ms S. Najac
Ms M. Petelinz
Mr. S. Wilson, Presiding

J. Owen, Esq.

EXCUSED:

Mr. K. Dunn
Ms E. Raffo
Ms Sullivan

MEETING OPENING:

Mr. Wilson: The meeting was opened with the pledge to the flag, roll call and presentation of the April 12, 2009 Meeting Minutes.

Mr. Wilson: I Move to accept the April 12, 2009 Minutes; Seconded (Johnson); All in favor; Motion carried.

The following Application Reviews (June 8, 2009) and Public Hearings were conducted and voted upon as noted.

CORRESPONDENCE:

Six Month Extensions:

Raymond & Tammy Smith (36-12-6.2)

Mr. Wilson: We have received a request from the Smiths for a six month extension.

Mr. Smith: I Move to grant a six month extension for Raymond & Tammy Smith originally granted on April 18, 2008 and scheduled to expire in June, 2009: Request for a variance of 249-22(D)(1): 1) area from 18,750 sq/ft to 12,035 sq/ft; 2) lot width from 100 to 83 ft; 3) lot frontage from 100ft to 83ft; For a 2 family residence; property located at 214 Watkins Avenue (36-12-6.2) and Designated R-1 subject to the following: The house will be built and meet all required setbacks and no further variances will be granted; Seconded; All in favor; Motion carried.

PUBLIC HEARINGS:

Karl Winum:

Request for a use variance:

1. permit apartment

Property located at 1394 Goshen Turnpike
(24-1-15.2)

Designated: R-2

Mr. Wilson: Applicant is not present. They will need to reapply for a review and to have a Public Hearing scheduled.

Sterling Quarters
(El Bandido)

Request for a variance of 249-26(E):
1. front yard set back from 35ft to 23ft;
Property located at 536 East Main Street
(50-2-7.11)
Designated HC

Mr. Wilson: The mailings were reviewed by the Board and filed for the record. The Public Hearing Notice was read at 7:53 pm.

Mr. Wilson: Please present your application

John Loch, Engineer: It is relatively small in scope. Mostly the patio in front will be converted to more building. The square footage is 600 sq/ft and looking for a 41ft x 60ft addition. The addition is slated for there as the existing building is set up for internal flow, serving customers, aisles and such things and it is not practical to put it in other location. Any other location would have a variance also. We have more than enough parking spaces and are working with the County, and still have enough parking.

Mr. Johnson: It is not much bigger than patio there now?

Mr. Loch: No.

Mr. Wilson: Any questions from the Public? (No)

Mr. Wilson: Any questions or comments from the Board?

Ms Najac: Any plans for more parking?

Mr. Loch: No, only 1 or 2 spaces (on map) and will evaluate with the Planning Board. We have letter from County about removing spaces out front. We are above requirements now. The requirement with addition is only 43 spaces; currently proposing 48 and realize 45 if 3 are taken.

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

Mr. Wilson: I Move to grant the following front yard set back variance from 35ft to 23ft; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 4 Petelinz, Johnson, Najac, Wilson
Opposed (nay) 0

DECISION:

Mr. Wilson: The variance is granted. Please see the Building Department. The variance is only valid for 6 months and if you have not started work by that time you must contact the Town to request an extension or start the process over.

HEARING REVIEWS: (June

Spadafora, Antonio:

Barb Christie: We had sent in a letter, the client was represented by Leo Carroll and Associates. The variances were denied due to lack of attendance. We don't think the client was represented very well.

Mr. Wilson: Was the public hearing opened?

Barb Christie: Yes. We would like to get them back in to be heard.

Mr. Wilson: Review what you are asking.

Barb Christie: The maps were prepared by Leo Carroll and went to the Planning Board. They did not like the design. We have taken photos out there so you can see how the house looks out there. The bottom left one shows the neighboring house next to it (handed out to the Board).

Mr. Wilson: This was for a use variance to convert it to a 2 family.

Barb Christie: The adjacent house is the same distance apart.

Mr. Wilson: Pre-existing and use variance for one family to 2 family.

Mr. Johnson: You need to state it on the application.

Barb Christie: As it stands now he can't make any changes to the house without come back any way.

Mr. Wilson: We understand that.

Mr. Johnson: It is difficult to obtain, if it is a single family, and it not extreme, and not self created is one thing.

Barb Christie: Yes.

Mr. Wilson: The variance is for: 1) front yard from 35ft to 148.ft; 2) side yard 20ft to 3.7ft; 3) area from 18,750 sq/ft to 12,000 sq/ft and 4) lot depth from 125ft to 120ft for a use variance to convert a single family dwelling into a two family dwelling.

Mr. Wilson: I Move to hold a Public Hearing for June 8, 2009 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Wilson: 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. 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.

Berry, Scott:

Mr. Berry: I have 20 acres and put up pole barn for the RV and farm tractors I want to get out of the weather. 40x40 pole barn.

Mr. Wilson: Any questions from the Board?

Ms Petelinz: You proposed 4 bedroom dwelling with the garage next door to it?

Mr. Berry: Strictly storage.

Mr. Wilson: This is for an over-sized accessory building (249-3) from 28ft x 28ft to 40ft x 40ft.

Mr. Wilson: I Move to hold a Public Hearing on June 8, 2008 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor

Mr. Wilson: 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 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. 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.

Robinson, Roger:

Mr. Robinson: I would like to put in 3 car garage to get vehicles out of the weather. It is 36ft x 28ft.

Mr. Wilson: This is for an oversized garage (249-3) from 28x28ft to 36ft x 28ft.

Mr. Wilson: I Move to hold a Public Hearing on June 8, 2009 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Wilson: 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 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. 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.

LITE BRITE, INC.

Maria Rotundo, Mens Warehouse & Tux: We are proposing a sign for better visibility. The letter height is not large enough to see between Home Depot and the building. It is behind Wallmart. They branched from MW Tux. They have 23 feet so only 23 ft of signage. They would like to go to 51.7 sq/ft. Now 9" high; requesting 14".

Ms Petelinz: 51.7 sq/ft?

Ms Rotundo: Yes.

Mr. Johnson: This is more than double than what is allowed. That is a lot.

Ms Rotundo: The grill is only for that store. When you measure the windows it is 23 feet. They have bigger area on top. The whole grill is for them alone. It is approximately 27 feet.

Ms Petelinz: Is the 'Men's Warehouse and Tux' part of a chain and all are called 'Men's Warehouse and Tux'?

Ms Rotundo: Yes. We have taken down a lot of signs for them.

Mr. Johnson: It will fill up the whole panel pretty much?

Ms Rotundo: Yes.

Ms Petelinz: Overall perimeter stay the same?

Ms Rotundo: Yes.

Mr. Wilson: We can take a look at that and the others.

Ms Rotundo: Just keep in mind all the letters.

Mr. Johnson: That is not much larger than the others on the signs?

Ms Rotundo: No. 99 cent power is humongous.

Mr. Wilson: This is a sign variance to permit a sign area from 23 sq/ft to 51.7 sq/ft. This is in TC (town center district).

Mr. Wilson: I Move to hold a Public Hearing on June 8, 2009 at 7:30 pm or as soon there after as the matter can be heard; Seconded; All in favor;

Mr. Wilson: 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. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

MEETING CLOSE:

Mr. Wilson: There being no further items to be presented, I Move to close the Public Hearing at 8:24 pm; Seconded; All in favor; Motion carried.

TSB:jcd

Publication on May 20, 21, 22

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing of the Zoning Board of Appeals of the Town of Wallkill, Orange County, New York will be held at the Town Hall, 99 Tower Drive – Building A, Middletown, New York on the 8th day of June, 2009, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Antonio Spadafora, 370 Ingrassia Road, Middletown, New York 10940 for a for a variance of 249-22 (area and use) for the property of Antonio Spadafora, 370 Ingrassia Road, Middletown, New York 10940. Property (75-6-7) located at 46 Belmont Avenue, Middletown, New York 10941 and designated R-1.

All parties of interest will be heard at the said time and place.

E. Raffo
Zoning Board of Appeals

Publication on May 20, 21, 22

TOWN OF WALLKILL
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PUBLIC HEARING NOTICE

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Scott Berry, 481 Prosperous Valley Road, Bloomingburg, New York 12721 for a variance of 249-3 (accessory building) for the property of Scott Berry, 481 Prosperous Valley Road, Bloomingburg, New York 12721. Property (6-1-69) located at 481 Prosperous Valley Road, Bloomingburg, New York 12721 and designated RA.

All parties of interest will be heard at the said time and place.

E. Raffo
Zoning Board of Appeals

Publication on May 20, 21, 22

TOWN OF WALLKILL
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Roger Robinson, 389 Stony Ford Road, Middletown, New York 10940 for a variance of 249-3 (accessory building) for the property of Roger Robinson, 389 Stony Ford Road, Middletown, New York 10940. Property (61-1-9) located at 389 Stony Ford Road, Middletown, New York 10940 and designated R-A.

All parties of interest will be heard at the said time and place.

E. Raffo
Zoning Board of Appeals

Publication on May 20, 21, 22

TOWN OF WALLKILL
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LITE BRITE SIGNS, INC., 51 Montgomery Street, Middletown, New York 10940 for a for a sign area variance for the property of National Realty and Development Corporation, Three Manhattanville Road, Purchase, New York 10577. Property (50-2-63) located at 470 Route 211 East, Middletown, New York 10940 and designated TC.

All parties of interest will be heard at the said time and place.

E. Raffo
Zoning Board of Appeals

TOWN OF WALL ZONING BOARD OF APPEAL

DECISION SHEET

MAY 18, 2009

Kevin Winum

No present

Sterling Quarters
(El Bandido)

Request for a variance of 249-26(E):
1. front yard set back from 35ft to 23ft;
Property located at 536 East Main Street
(50-2-7.11)
Designated HC

DECISION: Variance granted

SIX MONTH EXTENSION:

Raymond & Tammy Smith

Request for a variance of 249-22(D)(1)
1. area from 18,750 sq/ft to 12,035 sq/ft
2. lot width from 100 to 83 ft
3. lot frontage from 100ft to 83ft
For a 2 family residence.
Property located at 214 Watkins Avenue
(36-12-6.2)
Designated R-1

Variances granted subject to the following:

The house will be built and meet all required setbacks and no further variances will be granted.

DECISION: Six month extension granted subject to the above on variance granted 4/18/2008.