

TOWN OF WALLKILL ZONING BOARD OF APPEALS

MEETING MINUTES

-  
JUNE 13, 2005

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

MEETING OPENING:

The June 13, 2005 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 May meeting minutes.

The Motion was made to accept the Minutes as written; Seconded; Five in favor, one abstention; Motion carried.

The following application was continued from May, were reviewed for Public Hearing on July 11, 2005 and Public Hearings heard and voted upon as noted.

CORRESPONDENCE

6 Month variance extension: TAC Associates (Joseph A. Brown): Request for a 6 month extension on variances (granted on 6/14/2004 for: lot size 2 acres to 50,860 sq/ft; width 200ft to 145ft; side yard from 40 to 35ft; 2 side yards 100ft to 85ft) and extended on January 10, 2005. They have been awaiting building permit review and were held up by the septic system / health department review.

The Motion was made to grant a six month extension; Seconded; All in favor; Motion carried.

CONTINUANCE:

Eric Johnson: Request for an accessory building variance from 28x28ft to 32x56ft.

Mr. Eric Johnson removed himself from the Board table.

Mr. Mattatall: The applicant has requested an accessory from 28x28ft to 32 x 56ft as was explained at the May meeting at which time the meeting was held open.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 7:44pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance for an accessory building from 28x28ft to 32 x 56ft; Seconded.

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

DECISION

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

PUBLIC HEARINGS:

Erika Nieves: Request for a variance of 249-22-D (side yard setback) from 15ft to 2.5ft and 15ft to 9ft; for extension of deck;  
Property located at 41 Mayer Drive (SEC 76 BL 8 LOT 44);  
Designated R-1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:45 pm.

Mr. Mattatall: I Move to open the Public Hearing at 7:45 pm. Please present your application.

Ms Nieves: I want to extend the back yard deck to about 12 x 10 feet.

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

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

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

Mr. Mattatall: I Move to close the Public Hearing at 7:47 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance for a deck: side yard 15ft to 9ft; 15 to 2.5ft; Seconded.

DISCUSSION: (None)

VOTE: In favor (aye) 6  
Opposed (nay) 0

DECISION:

Mr. Mattatall: The variances are granted, please see the Building Department.

Bruce Cuthbert            Request for a variance of 249-19-D (lot size):  
side yard from 100ft to 60ft; front yard from 60ft to 45ft;  
Property located at 21 and 23 Ora Park Circle  
(SEC 2 BL 1 LOTS 12 & 13); Designated RA.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:49 pm.

Mr. Mattatall: I Move to open the Public Hearing at 7:51 pm. Please present your application.

Amador Laput, Fellenzer Engineering: The current zoning is 2 acres and they are seeking a variance from that. The front yard needs a 15 foot yard variance and side yards combined are from 100 ft to 60ft. He is combining 2 lots and proposing a 3-bedroom home with its own well/septic. The plan shows separation of well/septic from neighbors but current zoning for lot width is the size of the lot. We are seeking a variance and are showing the building where we can make set backs to the rear and variance for the rest.

Mrs. Thompson: His house is on 17M?

Amador Laput, Fellenzer Engineering: He is on Ora Road. He once owned both. He also owned those lots.

Mrs. Thompson: They were woods?

Amador Laput, Fellenzer Engineering: Yes.

Mrs. Thompson: He sold one on 17M and wants reduction on what is left?

Amador Laput, Fellenzer Engineering: He wants to join them and have one residence on them.

Mrs. Guenste: The questions I have is we have a minimum lot size with septic systems and wells to allow for drainage and problems and wet periods. How many bedrooms?

Amador Laput, Fellenzer Engineering: Three bedrooms.

Mrs. Guenste: Where exactly is the septic – which part?

Amador Laput, Fellenzer Engineering: The bars behind the lot is the location.

Mrs. Guenste: The tank is where?

Amador Laput, Fellenzer Engineering: That is the SE; after that is PS pump station.

Mr. Mattatall: You are suggesting it have an active pump station?

Amador Laput, Fellenzer Engineering: Yes.

Mrs. Guenste: 20 feet per inch?

Amador Laput, Fellenzer Engineering: Yes.

Mrs. Guenste: You have run off 20 feet from the next property line – for drainage – end of the field itself is near the other line. That is why the Town instituted the footage and 2 acre lots so we don't have problem with run off that may cause problems in the future. You are talking about electrical pumping station. If it fails – if it contingent because you want something in smaller lot – you could have combined two.

Ms Raffo: He purchased it on 7/03.

Ms Guenste: Then it was 2 acres.

Mrs. Thompson: He made a problem for himself.

Mr. Mattatall: At the time he needed 2 acres even if combined. He would have bigger lot and closer to 2 acre needed in that area. Our concern is septic is one basis of the zoning. I don't know of one in the Town.

Amador Laput, Fellenzer Engineering: The pump station is just when septic tank is lower than the field.

Mr. Mattatall: I understand – we have significant outages.

Amador Laput, Fellenzer Engineering: He would have 2 days or so of reserve.

Mr. Mattatall: We would be working on his good faith. I walked up and down and goes down to neighbors property at one point.

Ms Guenste: The owner lives in Florida. He owns the other house and sold it. We don't have any guarantee he is going to move into this house. We have to look down the line and someone moves in and a pump station running the septic. Why did he not look at the vacant lot next door?

Amador Laput, Fellenzer Engineering: I don't know if he looked at that or not. Would elimination of the station matter? We are meeting minimum the side yards. We could propose berms as well if the system were to fail so it is contained on his property.

Mr. Mattatall: The county health department would have to approve anything that goes out there. Did you speak to the town engineer yet?

Amador Laput, Fellenzer Engineering: We are scheduling with the inspector to witness perks out there.

Mr. Mattatall: This is based on soils and even if it was pre-existing lots from before – you don't have information to continue. Do you want us to vote on this tonight?

Amador Laput, Fellenzer Engineering: I would like to request a continuance of the public hearing.

Ms Guenste: We are not taking going from 2 acres to 1.66 but 2 acres to .34 acres which is significant.

Ms Raffo: Less than ¼ of what is required.

Mr. Mattatall: Any questions from the Public?

Mr. Serilo: 24 Oro Park Circle: I am in front and right and concern homes are on 50 foot lot the house he wants to build is much larger than what is there with concerns on well and septic. He talks about a pump and problem with failure. Every winter we have trees down and are out a day or two and subject to electric company coming out. We witness this all the time. It's a small road and will knock down a lot of trees and its peaceful because the barrier for sound with the trees. Close to the road and a lot of traffic – you live there or you are lost. We are concerned about that. The serenity of the place would be taken away from us. I have been here for 18 years and concerns of being on the road.

Public: He is talking about a well – is he digging one and taking down trees which is buffer between us and 17M.

Mr. Serilo: We all experienced problems with well pressure.

Lauren Burdatella, 26 Ora Park Circle: Problem with mail and garbage pick up will be affected.

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

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

Mrs. Thompson: He created his own problem.

Mr. Mattatall: You don't have any information from the Health Department and nothing towards that. Would you like to continue to July?

Amador Laput, Fellenzer Engineering: Yes.

Mr. Mattatall: We need information from the Health Department.

Public 3: We did not get a notice.

Mr. Mattatall: If you are here it has the same affect.

Lauren Burdatella, 26 Ora Park Circle: None of us got notified.

Mr. Mattatall: We are going by the post office saying these were delivered.

Amador Laput, Fellenzer Engineering: I will speak with the applicant about a smaller house to eliminate the pump station.

Mr. Mattatall: You can return with a new application. The lot size is a big factor.

Amador Laput, Fellenzer Engineering: He is looking at the lots that are there.

Ms Raffo: They were there before zoning was 2 acres. None of these are new houses and here before the zoning.

Mr. Morgan: Can he speak to the adjoining owners if their lots are available.

Ms Raffo: There is a pool on one side. It is either buy or sell – the lots are much too small.

Mr. Mattatall: I Move to close the Public Hearing at 8:09pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances: 1) 60 to 45ft front yard; combined side yards 100 ft to 60ft and area 2 acres to .34 acres; Seconded.

DISCUSSION:

Ms Guenste: It is self imposed hardship and too small.

Mr. Johnson: It was purchased after the zoning change and well and septic needs I am opposed.

Mr. Morgan: Using a pump station with amount of electrical failures would be a problem.

Ms Raffo: Opposed for the reasons stated.

Mr. Mattatall: When he bought it he should have checked the code and the electrical is not

VOTE: In favor (aye): 0  
Opposed (nay): 6

DECISION:

Mr. Mattatall: The variances are denied.

Daniel Sota: Request for a variance of 249-11-N(1)(A)(2) (sign):  
from 35.7 sq/ft to 43.42 sq/ft;  
Property located at 400 Galleria Drive  
(SEC 78 BL 2 LOT 2.1); Designated MI.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:12 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:13 pm. Please state your case.

Robert Donnelly, Signs from Above: The ordinance defines sq/foot for sign to 1 ft for every linear foot of store frontage and want relief for 12.5 feet for a larger sign.

Mr. Mattatall: Is it exactly the same as the temporary banner you have now?

Robert Donnelly, Signs from Above: Yes.

Mrs. Thompson: Why so much bigger.

Robert Donnelly, Signs from Above: When he came to the Mall area and saw the stores there as companion stores, OTB, furniture store is total one letter is height of this sign. He has 6800 sq/ft and his presence there has served letter by 12.5 % increase. It is not that much bigger – refer to drawing in packet and see scale jump from allowable to the one we are applying for.

Ms Guenste: Will it have black background?

Mr. Soto: No – fitness is yellow, sign is white and rest is red.

Mrs. Thompson: The sign with white or black stands out better than a sign that is so big.

If you look at OTB they have 100 % of their storefront on the front of the store and 85% on the side and sign on other side. Spoke to land lord and went through this process he had not seen application from OTB and surprised by this process. No other store has applied for a variance. You end up with for Mr. Soto with allowable footage is dinosaur with small arms – little enfeebled. It has substantial rent and the town will benefit from having him, not cut corners and not try to do what the town wants. He wants to be here and has a 10 year lease.

Mrs. Thompson: Everyone coming in wants it bigger than the others near by.

Mr. Sota: I am asking for something better to the eye as you come around the corner. Smallest in the area and not smallest store. Once you get the sign you don't have a banner.

There is physics applied to what you are asking – certain colour viewable from certain distance. It is not a perpendicular or parallel view. The physics is colour wheel and what happens – red is first colour in spectrum – there is too many red signs in the town which creates clutter. This middle of light spectrum and this has reason to believe we will reach those viewers.

Mr. Mattatall: The letters are same size as are on the banner.

Robert Donnelly, Signs from Above: The background is a field like 900 other signs. This is a necessary improvement. This is serious investment to him over 6,000 and other would be 4500. he is willing to go through the time and trouble.

Ms Guenste: I wish – I understand your point and have to understand how a yellow sign on white background will be seen from any where. You say it needs to be bigger to stand out and then the next person comes along and wants it bigger because he is further down. Priceless Kids seem the same size.

Mr. Soto: They have sign on the side of the building and these letters are smaller than the Kids sign. Kids and furniture is bigger and OTB- they are tremendous.

Ms Guenste: I see you coming down the line and saying non one can see it.

Mr. Soto: The stores all have the same sign.

Ms Guenste: The sign is yellow and smaller sign is black on red. The actual sign is black on the red as in Wappingers Falls.

Robert Donnelly, Signs from Above: Look at the first rendering and see drop shadow which is aluminum behind letter in black.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 8:23 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant a variance of the sign ordinance from 35.7 sq/ft to 43.42 sq/ft; Seconded.

DISCUSSION: (None)

VOTE: In favor (aye): 6  
Opposed (nay): 0

DECISION:

Mr. Mattatall: The variance is granted, please see the building department.

Ellen & Christopher DeLuca Request for a variance of 249-20D  
(Front yard setback) from 35ft to 20ft on a corner lot;  
Property located at 43 Howard Drive  
(SEC 25 BL 11 LOT 4); Designated R2.

Mrs. Thompson: The Mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:24 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:25 pm. Please present your application.

Ellen DeLuca: It is for an attached garage to the garage there now. I am on a corner lot and have 2 front yards as a corner lot.

Mrs. Thompson: Why another garage?

Ms DeLuca: For cars and storage I have 2 cars. I don't have a basement and not a lot of storage space.

Mrs. Thompson: Not making room for mother-in-law or something?

Ms DeLuca: No.

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

Mr. Mattatall: Any further comments or questions from the Board?

Ms Guenste: I looked at it and it seems to be coming out far when you sit on that street and compare it to ... you are coming out 20 feet. If you already have 2 garage spaces – how long is a car 12-16 feet long. When I was sitting on the side street it would come out past the front of the neighbors front yard. You pull it out 20 feet. How much from the house?

Mr. Mattatall: Enough room to park a car.

Ms Guenste: Just wondering how far?

Ms Raffo: She has plenty of room.

Mr. Mattatall: I Move to close the Public Hearing at 8:28 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant a variance of the following front yard setback from 35 to 20ft.

DISCUSISON: (None)

VOTE: In favor (aye): 6  
Opposed (nay): 0

DECISION:

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

Carl & L Kimberly Tyson      Request for a variance of 249-8-A-5  
(accessory building located in front of the primary  
building);  
Property located at 48 James Clark Drive  
(SEC 6 BL 2 LOT 4); Designated RA.

Mrs. Thompson: The Mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:28 pm.

Mr. Mattatall: I Move to Open the Public Hearing at 8:29 pm.

Ms Tyson: We have existing shed that is in the front left side of the house and look to keep the existing shed because the rear yard drifts off and really not accessible to relocate the shed. It is 100 feet from the street and only have 30x30 back yard now. Where it is it is not bothering anyone and been there quite some time. Asked neighbor immediately around us before we bought it and no problems.

Ms Guesnte: When was it put up?

Ms Tyson: About 3 years ago and it was not an issue until Mr. Steenrod put a note on it when he was in the area on another matter. We complied with what the town told us on distances.

Mrs. Thompson: What about by the patio. Flat space.

Ms Tyson: The patio and grass area. that is all we have for our 4 kids. We have over an acre of land and drifts all around. It has been custom made and not affected anyone. We have mowers and stuff and its near the driveway.

Mr. Mattatall: You can't locate it by the basketball hoop – with some fill.

Ms Raffo: It is a gorgeous area. this is hardest part and don't have any guarantee in 2 months someone will come by and ask you for a permit and we would be setting precedence.

Ms Tysen: That is true in a sense.

Ms Raffo: The next person who comes might not put in something as nice.

Ms Tyson: In the back we have no lawn although it appears we have a lot of land.

Mrs. Thompson: Space between patio and the driveway.

Ms Tyson: It would not be 10 feet from the house then. If you go 10 feet it slopes. If you have been there – and if it was easy to move I would have went and done it. It has to be 10 feet from the house.

Mr. Mattatall: Are there any questions from the Public?

George Green, Howells Turnpike: This is a 3 year old development and this never went for a building permit, they put a shed up, the building inspector asked them to get a permit and no

other homes there that have sheds in the front. There are 2 other items out there – a 18 wheeler out there and nursery run out of someone’s house. I am against this.

Ms Tyson: We came before you and did not disregard any laws. Any one on the Drive are not here tonight.

Mr. Mattatall: We have to act for the whole town and it creates difficult situation.

Arlene Green: I don’t think the variance should be granted and it sets a precedence and have worked on master plan so we follow the rules and building laws and people keep coming for variances that are granted and you can’t deny people based on past variances given.

Ms Tyson: If someone comes before you individually it is different. If we had a place we could put it we would and each case is different. It is not one size fits all.

Mr. Mattatall: You do have room in back if you wish to move it and you did a good job and did what you did with information that was given to you but unfortunately not all of it.

Mrs. Thompson: I have to say no to this and it is not always easy.

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

Mr. Mattatall: I Move to close the Public Hearing at 8:38pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance: an accessory building in front of the principal building; Seconded.

DISCUSSION:

Mr. Morgan: This would be setting precedence on this if granted.

Ms Guenste: It is something substantial and affects surrounding neighborhood and they can find other location for it.

Mr. Johnson: It sets precedence.

Mr. Mattatall: You do have room in back to move it.

VOTE: In favor (aye) 0  
Opposed (nay) 6

DECISION:

Mr. Mattatall: The variance is denied.

Ms Tyson: What is the time frame?

Mr. Mattatall: Check with the Building Department – they will follow up on this.

Ed Curren / Dave Olsen      Request for a variance of 294-22-D (lot size)  
from 12,500 sq/ft to 12,000 sq/ft  
for construction of a single-family dwelling;  
Property located at 150-154 Belmont Ave.  
(SEC 76 BL 5 LOT 6); Designated R1.

Mrs. Thompson: The Mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:39 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:40 pm. Please present your application.

Ed Curren: The lot size has changed to 12500 and it is non conforming lot at 12000.

Mr. Mattatall: Is this a double sized lot?

Ed Curren: Yes, 100 x 120 feet.

Mr. Mattatall: It has Town water and sewer?

Ed Curren: Yes.

Ms Raffo: It is a small bi-level with not side yard variances needed?

Ed Curren: No.

Ms Raffo: If someone they want a porch for the same it would not go.

Ed Curren: Why not?

Ms Raffo: You can do it with the current setbacks. We have people come in for a deck and porch.

Ms Guenste: When I was there - there was a marker in front in the ground?

Ed Curren: I don't know.

Ms Guenste: That would make it 80 feet and a truck there.

Ed Curren: It is 100 feet and I measured it steak to steak. The surveyor put in new steaks the one that is there is from before. I noticed the guy next door with his back hoe and truck.

Ms Guenste: Will driveway go to Belmont?

Ed Curren: Yes.

Ms Guenste: Water/sewer?

Ed Curren: Yes. The water is at there.

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

Mr. Mattatall: Any comments from the Board.

Mrs. Thompson: No problem with it.

Mr. Mattatall: You have water and sewer which is different than earlier application. This is a minimal variance.

Ms. Guenste: We are looking at a lot wit the foot print of that house?

Mr. Mattatall: Yes.

Ed Curren: I am not putting in a big house.

Ms Guenste: That includes your porches.

Mr. Curren: The side yard is 15 feet. I am new at this.

Mr. Mattatall: I Move to close the public hearing at 8:45 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following area variance from 12,500 to 12,000 sq/ft;. Subject to the residence built on property will be within the setbacks as provided by the Code; Seconded.

#### DISCUSSION:

Mr. Morgan: I see no problem with this.

VOTE: In favor (aye): 6  
Opposed (nay): 0

#### DECISION:

Mr. Mattatall: The variance is granted subject to the residence being built within the set backs.

HEARING REVIEWS (July 11, 2005)

**Mario Mansueto**

Mr. Rutondo with Mr. Mansueto:

Mr. Mattatall: You want accessory building 40x60 for antique and existing cars of your household?

Mr. Mansueto: Yes.

Mr. Mattatall: Made of what?

Mr. Rutondo: Steel building.

Mr. Mattatall: Where on Mudd Mills Road? Just renovated there with stucco?

Mr. Rutondo: Yes.

Mrs. Thompson: Is 218 on the mailbox?

Mr. Rutondo: Yes.

Mrs. Thompson: Do you own the cars now?

Mr. Mansueto: Yes, I have 7 or 8 now.

Mrs. Thompson: But you want it to serve more cars, where do you keep them now?

Mr. Mansueto: Now, 48 Sproat Street 5 cars in side and a friend who has some who I worked with Seekamp Body shop about 30 years ago.

Mr. Rutondo: He has some where he use to live.

Mr. Mattatall: I Move to hold a Public hearing on July 11, 2005 at 7:30 pm or 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.

Amy Bartlet – Minutolo (front/side yards)

Gary Swagger with Amy Minutolo: Request for 12 feet to add to bedroom and living room. We want a little more space. Front yard for 10 feet and side yards for 40 combined variance.

Ms Raffo: That is existing?

Ms Minutolo: Yes, same width just out 12 feet.

Ms Guenste: Is it marked?

Ms Minutolo: It is 699 and on the mail box.

Mr. Mattatall: IT is pre-existing non-conforming. Are you adding any bathrooms or kitchens?

Ms Minutolo: No.

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

Mr. Mattatall: You need to notify everyone within 1000 feet as you are in RA.

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

Robert and Laurie Varney (accessory garage)

Mr. Varney: 20x 40 steel building for storage of mowers, quads, old cars, etc.

Mr. Mattatall: Where is it located?

Mr. Varney: Corner of Youngs Lane and 17K. I want the building on the empty lot.

Mrs. Thompson: You can't have accessory building on a lot by itself.

Joseph Owen, Esq.: They need a use variance since it has to be accessory to something and using it for a purpose not under the Code.

Mrs. Thompson: How much land do you own with the bungalows?

Mr. Varney: 2 acres.

Joseph Owen, Esq.: This is separate lot?

Mr. Varney: Yes. It is R2.

Mrs. Thompson: Would you continue combining the 2 lots?

Ms Raffo: You then only need accessory building lot size. Now there is nothing for it to be accessory to.

Mr. Varney: What is involved with that?

Mr. Morgan: You can contact your attorney. A use variance is the most difficult.

Mr. Johnson: It is a minor change for lot line change.

Ms Guenste: When did you buy it?

Ms Varney: A couple of years ago.

Mr. Varney: We thought about putting up a house down the road.

Ms Guenste: You can put on piece where you house is.

Mr. Varney: We have a place we could do that. Where do we go now?

Joseph Owen, Esq.: You can think about what you want to do with the lot. You may want to sell the lot in the future.

Ms Guenste: We can hold it open.

Ms Raffo: The open lot is 1.5 acres.

Mr. Mattatall: You can do what you are doing now to put in your land. You can tell us by the next meeting were you want to put it on the lot.

Mr. Varney: We had a second idea and have a spot.

Mr. Mattatall: We can hold the public hearing and have you revise your application with new drawings and send it in to us.

Mr. Varney: We will bring the drawings to you.

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

**Lawrence Bedosky:**

Mr. Bedosky: We want to take 2 lots and combine them for under 10000 feet and take down existing structure and put up a bi-lonial. We have 2 challenges: lot size overall even though we are joining them the corner of this proposed is 19 feet off back line and improvement over what is there.

Mr. Mattatall: Residences on either side and behind you now?

Mr. Bedosky: Yes.

MsGuenste: What are the dimensions of the house?

Mrs. Bedosky: 48 x 30ft.

Ms Guenste: 48 wide by 30ft?

Mr. Mattatall: The dotted line is what?

Mr. Bedosky: The dotted line around the house is ideal setback locations.

Mr. Mattatall: Can you build in those setbacks?

Mr. Bedosky: I can do that.

Ms Guenste: That puts him closer?

Mrs. Thompson: What is the bump out?

Mr. Bedosky: You enter on the first floor. It is for the master bedroom.

Ms Raffo: Can you reset it to be in the lines?

Ms Guenste: It has to be within the lines.

Mr. Mattatall: The porch – the front is a 4 ft with a porch light.

Mr. Mattatall: If you can get it closer to original set backs we can amend the application at the public hearing for the correct number of feet.

Mr. Mattatall: Your lot size is small and we have to hold a public hearing on this.

Ms Raffo: We need to set the public hearing.

Mr. Bedosky: We need to do the mailings?

Ms Raffo: Yes.

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

Mr. Mattatall: It is necessary to notify everyone within **300** feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

**Richard Kroseck:**

Mr. Roger Ferris: The lot area and depth the parcel is quite long and would like to sub divide it and need septic in here and go to the PB for that. The purpose is to build a new home on one lot and other house keep and be for family member (mother). Go to PB to proceed with engineer review.

Mr. Mattatall: That is RA and you need 2 acres and you want to lots of 1.34 acres each?

Mr. Ferris: Yes, they have separation for septic.

Mr. Kroseck: When I bought it is was not 2 and had problems and could not do it and in the meantime the law has changed. Hoping we could get it done.

Mrs. Thompson: How do you get to this?

Mr. Ferris: County road maintained by the Town and gave letter to the PB and memo from the highway department that they maintain it.

Mr. Mattatall: This is town road but county maintains it?

Mr. Ferris: Yes.

Mr. Kroseck: It is Ridge Road.

Mr. Mattatall: We need to send notice to the County Planning Board as well.

Ms Guenste: Does it have to go to the County before we schedule the hearing?

Mr. Mattatall: They have 30 days to respond and are generally quicker than that.

Mr. Mattatall: I Move to hold a Public Hearing on July 11, 2005 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor.

Mr. Mattatall: A note - this is RA zoning so 1000 feet for the notice of mailings.

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.

Mr. Ferris: The Mt. Hope neighbors don't have to be mailed to they are in another town?

Mr. Mattatall: We notify Mt. Hope. We send to county and the Planning Board in TOW.

**Frank Rossi:** (landscape)

Mr. Mattatall: You want to use the planting area.

Mr. Yanosh: It is surrounding by roads and need 50 feet landscape buffer and would take up more than one half of the building. We meet parking requirements but along Rt 17 and Van Burenville Road t is almost impossible to do. It cuts size of building down a third. The code was written for one to the other. Lots side by side you would have 100 feet of buffer. There is a storage you looked at in the past. We meet other set backs.

Mr. Mattatall: What in the shopping center?

Mr. Yanosh: Office space, retail and divide up to what is there.

Ms Guenste: What will it look like. It has that country character an new buildings are slabs of square cement.

Mr. Yanosh: It sits lower than Silverlake Scotchtown and try to hide a/c from road.

Mr. Mattatall: Entirely within the setbacks?

Mr. Yanosh: Yes.

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

Mr. Mattatall: It is necessary to notify everyone within **300** feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

**Jim Romano** (rear/side/landscape)

Mr. Yanosh: he is a chiropractor and looking to get rid of house and approached Rowley and Garrison and both turned him down. The setbacks are an issue. With landscaping the piece on front and 2 sides is all we can do. 2450 sq/ft building and timing will be dependent on the building department. Keep one open while he moves in.

Mr. Mattatall: Like the parking so people don't back in to Golf Links Road.

Mrs. Thompson: Which end of Golf Links Road?

Mr. Yanosh: By East Main.

Mr. Mattatall: Landscape 50 to 10 feet; rear 50 to 8 and side 50 to 23ft.

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

Mr. Mattatall: It is necessary to notify everyone within **300** feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

**KJ Mountain** (Avenue E) (lot area)

Mr. Yanosh: They are in Bellvernon sub division but short of acreage 9600 from 12500 sq/ft. they are in contract to buy them from present owners.

Ms Guenste: Why such a big house?

Mr. Yanosh: It is a standard house.

Ms Guenste: They are much smaller in the area.

Mr. Yanosh: Speak to client.

Mrs. Thompson: Who owns it?

Mr. Yanosh: It is owned by Mr. Walsh.

Mr. Mattatall: I Move to hold a Public Hearing on July 11, 2005 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded;

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.

**KJ Mountain** (Avenue D)

Mr. Mattatall: This is the same at the other application.

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

Mr. Mattatall: It is necessary to notify everyone within **300** feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the next week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

**Dianna Zicmelis** (area/lot/front/side yards)

Scott Zicmelis (spouse of Dianna)

Mr. Mattatall: Please explain this.

Scott Zicmelis: It is for the renewal of 8/04 expired variance for a .13 acre lot – long deep lot and you have copy of the site plan you approved earlier. Even given neighborhood character of Victory and Brookline too small to meet total area requirements and reduced 12500 sq/ft and it is narrow in the front. The front could face Victory Street. This is for small cape or ranch. We just want to continue with what we requested earlier.

Ms Guenste: It was granted in 2003. You bought it after the variance and after it expired.

Mr. Zicmelis: Within the last months of the variance being available. We need to improve the lot it looks scraggly.

Mrs. Thompson: The size is what ?

Mr. Zicmelis: 1009 sq/ft I don't know the dimensions.

Ms Guenste: He should come back for it it was granted for someone else.

Mr. Mattatall: He is doing that.

Ms Guenste: I don't understand what is on the map.

Mr. Zicmelis: It is quite deep and commercial structure across the street and seems to be tenated. Mr. Luch put up 2200 sq/ft ranch diagonally across and bi-level is the same way sideways on the property.

Ms Guenste: I would like dimensions of the house.

Mr. Zicmelis: We can't afford to expensive a house – not a monster there. The dimensions are 50 foot wide lot and set backs 12.8 and 11 means house 23.8 and house is 27 feet wide and factor that in the foot print 1049 ft.

Mr. Mattatall: We need to know the house foot print and you are looking yourself in to that.

Ms Guenste: I am seeing a bi-level in there.

Mr. Zicmelis: That is too big. Mr. Silkman had the variance and considered the placement of a modular. I did the homework and hung out and Lillian applied for Superior Walls and came out and excavators for foundation and all priced out and next thing I knew there was nothing.

Mr. Mattatall: We need to have it within 10 day. Plot plan and show actual legal setbacks would be.

Ms Guenste: Can we have another review as there is a big change here. It is a small 1000 foot house and 2 story is 2200 sq/ft. rather than you go to a lot of trouble and we know what we are looking at it.

Mr. Zicmelis: I have envisioned a single family. Originally if deck at all the longest end would be the deck where you have access s to the basement also natural grade of the property.

Mr. Mattatall: You can have a review in July on the 11<sup>th</sup>.

New Business:

RE: ALAN GARY REALTY, INC.: (November 8, 2004)

Mr. Mattatall: Basically procedurally, we have what you are asking for - 30 days to appeal a decision.

Larry Winski: We don't want to reopen the decision but make decision matches decision sheet and because it does not confusion at the Planning Board.

The original had 2 conditions. The decision sheet said signs will be removed from barn without saying they can be moved. The Planning Board (PB) now says do they have to be off the property completely but it was to relocate. We want language decision sheet to match saying the signs off building, they can be moved. The decision sheet uses remove but stops there. At the PB level they think no signs on the site which was not what the variance was. We are not asking for reconsideration but administrative item.

Mrs. Thompson: If it is a commercial building you would need signs.

Ms Guenste: These are bill boards.

Mr. Winski: There are signs painted on it and signs on it that will be removed, 2 bill board signs will be relocated not removed from the site.

Joseph Owen, Esq.: If you can't get approvals you are out of luck any way.

Alan Gary: The State came in and said we can move it east or west bound but need okay from the Town of Wallkill to move the sign.

Ms Guenste: They want to see decision sheet to say they can move them.

Mr. Winski: He does not want to

Joseph Owen, Esq.: They have to meet Town requirements on signs and ZBA has no jurisdiction.

Mr. Mattatall: The decision was for them to come off the building.

Alan Gary: When I presented it to the Board, they asked about the project and it was raised about billboard on the back and would be unwilling to give up federally approved sign.

Mr. Winski: The problem is what the applicant believes happened is not reflected in the minutes. Then it says there is a dash – they can be moved.

Mr. Mattatall: If you want the other variances you have to take the signs off the building. We don't deal with that. You have Federal approval.

Mr. Winski: What you are missing we want to make sure record is clear condition means 'removal' does not mean we have to remove them off the site completely.

Mr. Mattatal: We don't have authority to say they can say either.

Mr. Winski: Change the decision to say they can be moved. They are able to be moved. Of course I acknowledge you satisfy local requirements to move to other location.

Joseph Owen, Esq.: We can't amend the decision sheet. I spoke to someone on the phone and explained you had 30 days to move to appeal the decision if there was something you did not understand.

Mr. Winski: He was not mailed a decision sheet.

Gary Gotleib: We want to salvage the barn and can't afford to give up the bill board. Do something nice with the project. Easier to knock it down and put up cement building.

Mr. Winski: You are forcing us to position by not adding 'to move' to get language in the decision sheet.

Mr. Mattatal: What will language accomplish for you?

Mr. Winski: other body in municipality that they don't have to be removed to relocated.

Gary Gotleib: The PB told me to come back for clarification.

Joseph Owen, Esq.: We don't have anything from them to state that.

Mr. Mattatal: We are independent from them.

Gary Gotleib: I was at the building with you prior to last zba and approached you and you recalled the conversation.

Mr. Winski: Maybe we can poll the Board to see what they removed.

Gary Gotleib: I have something from Potter of Lanc and Tully and she wrote memo to us and sent the Board a copy as soon as I learned about the miss understanding and copy to you.

Mr. Winski: The PB letter was sent it to your attorney and his response is decision is clear and the signs ere to be removed. We can't relocate to another site on the property.

Mr. Mattatal: It says they come off the barn.

Mr. Winski: Would you be willing to write letter to the PB, don't change decision sheet', no objection that the sign be moved to other location provided the permits were obtained.

Gary Gotleib: Honestly what is on the decision sheet is not what we agreed to. Then the sheet comes out that we did not get copy of and they told us to remove them and they said that is not what the decision says and the minutes says what the vote is and the signs can be moved.

Mr. Mattatal: You have to apply for that.

Mr. Winski: We went to the PB and they said they have to be removed because that is what the decision sheet said. The PB attorney wrote to your attorney to say they have to be removed.

Mr. Mattatall: Removed from the building.

Ms Guenste: I don't see how they will need anything else than this.

Gary Gotleib: The decision sheet does not match the decision.

Ms Guenste Does this not have to be taken up to the PB.

Joseph Owen, Esq.: This is not up to this Board.

Mr. Winski: I think we can resolve this. Does the board agree with fact the necessary approvals are obtained signs can be relocated.

Mr. Mattatall: This does not come before us – just get the necessary approvals.

Ms Guenste: We say what we agreed and voted up and its very clear.

Alan Gary: The decision – what does it say?

Gary Gotleib: We made economic argument that they can be moved.

Alan Gary: Removed and moved are two different things.

Gary Gotleib: They told us we can move the signs.

Gary Gotleib: Mrs. Thompson said you did not want us to renovate the building and leave the old signs left there. I said we would move if we got necessary approval.

Mr. Mattatall: You have to get sign process.

Mr. Winski: The decision was received.

Mr. Mattatall: Signs will be removed from the barn and does not say they can't be relocated.

Mr. Winski: You have it backwards.

Mr. Mattatall: The decision is in the minutes and they decision sheet says something else.

Gary Gotleib: For me to get stumbled up and give up 47 Federal bill board was not your intention and we all know it. I am not asking you to say something we did not agree to that night. Provided we got approvals move the signs.

Mr. Mattatall: Where is sign to move?

Gary Gotleib: The Building Department said I had to come here. I would not have agreed to remove it. We thought about moving it and the BD would not give us. I already came to you for a variance.

MEETING CLOSE:

Mr. Mattatall: There being no further items to be presented to or discussed by the Board, the Motion was made to close the Meeting at 10:06pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL ZONING BOARD OF APPEAL

JUNE 13, 2005

DECISION SHEET

Eric Johnson Request for a variance of 249-3 (Accessory building) from the permitted 28x28ft to 32x56ft for a garage to store personal vehicles and equipment;  
Property located at 375 Howells Turnpike (SEC 13 BL 1 LOT 37.1); Designated RA.

DECISION: Variance granted

Erika Nieves Request for a variance of 249-22-D (side yard setback) from 15ft to 2.5ft and 15ft to 9ft; for extension of deck;  
Property located at 41 Mayer Drive (SEC 76 BL 8 LOT 44); Designated R-1.

DECISION: Variances granted

Bruce Cuthbert Request for a variance of 249-19-D (lot size): side yard from 100ft to 60ft; front yard from 60ft to 45ft;  
Property located at 21 and 23 Ora Park Circle (SEC 2 BL 1 LOTS 12 & 13); Designated RA.

DECISION: Variances denied.

Daniel Soto Request for a variance of 249-11-N(1)(A)(2) (sign): from 35.7 sq/ft to 43.42 sq/ft;  
Property located at 400 Galleria Drive (SEC 78 BL 2 LOT 2.1); Designated MI.

DECISION: Variance granted

Ellen & Christopher DeLuca Request for a variance of 249-20D (Front yard setback) from 35ft to 20ft on a corner lot;  
Property located at 43 Howard Drive (SEC 25 BL 11 LOT 4); Designated R2.

DECISION: Variance granted

Carl &L Kimberly Tyson      Request for a variance of 249-8-A-5 (accessory building located in front of the primary building;  
Property located at 48 James Clark Drive (SEC 6 BL 2 LOT 4);  
Designated RA.

DECISION: Variance denied.

Ed Curran / Dave Olsen      Request for a variance of 294-22-D (lot size) from 12,500 sq/ft to 12,000 sq/ft for construction of a single-family dwelling;  
Property located at 150-154 Belmont Ave. (SEC 76 BL 5 LOT 6);  
Designated R1.

DECISION: Variance granted  
Subject to residence being built within the set  
backs.