

ZONING BOARD OF APPEAL ~ JULY 9, 2007

**TOWN OF WALLKILL  
ZONING BOARD OF APPEAL**

**JULY 9, 2007**

Present: R. Coffeoo  
K. Dunn  
N. Guenste  
E. Johnson  
M. Petelinz  
E. Raffo, Chairperson

Absent/ Excused: R. Sullivan  
S. Wilson

The July 9, 2007 Meeting of the Town of Wallkill Zoning Board of Appeals opened with the pledge to the flag followed by the presentation of the June 11, 2007 meeting minutes.

The Minutes were reviewed by the Board. The motion was made to accept the minutes.

The following reviews were made for the Aug 13, 2007 meeting, extensions and public hearings conducted and voted up as noted.

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**EXTENSION REQUEST (6 MONTH)**

**Mid- Orange Properties Corp.** (ADF Design, Inc.):

Ms. Raffo: We have received for a six month extension to variances granted on Aug. 14, 2006.

I move to grant a six (6) month extension to **mid- orange properties corp.** (ADF Design, Inc.) For the following: Request for variance of addition to back of existing building. Property located at 26 Scotchtown Collabar rd. (45-2-1); seconded; all in favor; Motion carried. Extension granted.

**Frank Rossi:**

Ms. Raffo: We have received for a six month extension to variances granted on June 12, 2006 of 249-28 D-3 (a) (b). To **Frank Rossi.** For the following request of a landscape buffer from 50ft to 10ft (40-1-15.221). Property located at 390 Silver Lake Scotch Rd.; Seconded; All in favor; Motion carried. Extension granted.

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**PUBLIC HEARINGS:**

**Gary Labagh**

Request for a variance of 249-3:

1. Accessory building from 50x96 ft;  
Indoor horse ring for personal use only;  
Property located at 1000 RTE 17 M  
(14-1-67.222)  
Designated R-2

Ms Raffo: The mailings were reviewed by the board and filed for the record. The public hearing notice was read at 7:30 pm.

Ms Raffo: I move to open the public hearing at 7:44 PM.

Ms. Raffo: please tell us what you are planning.

Mr. Labagh: indoor riding area for horses.

Ms. Petelinz: Own personal use?

Mr. Labagh: Training and 4-H

Ms. Raffo: Not for commercial use; personal use only.

Ms. Raffo: I move to close the Public Hearing at 7:47 PM; seconded.

Ms. Raffo: Any comments from the board? (No)

Ms. Raffo: I move to grant the following variance for personal horse ring; seconded.

**Discussion** (none)

**VOTE:** In favor (aye) 5 Raffo, Johnson, Guenste, Petelinz, Coffeoo  
Opposed (nay) 0  
Abstained 1 Dunn

**DECISION:**

Ms. Raffo: The variance is granted under personal use only.

Johnson: Remember it is good for 6 months only and if you have not started the work by then, please come in to request an extension before that time or you will need to reapply.

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**Fairways WKL LLC.**

Request for a variance of 249-22(7) (I),

249-22(7) (g), and 249-22(7) (a).

1. Height- 35ft to 47ft 1 building (T31)
2. Height- 35ft to 39ft 5 buildings (T26, T27, T29 and T30)
3. Height- 35ft to 47ft 4 buildings (T32, T33, T34 and T35)
4. Building separation- 78ft to 72ft 1 building (T15 to T26)
5. Building separation- 78ft to 70ft 1 building (T27 to T28)
6. Building separation- 94ft to 79ft 1 building (T28 to T31)
7. Rear Yard Setback for decks- 50ft to 40ft 5 buildings (D19, D21, D22, D29, and D30)
8. Length- 132ft to 151ft 1 building (T29)

Property located at Golf Links RD.

(73-1-31.22)

Designated R-1

Ms. Raffo: The mailings were reviewed by the board and filed for the record. The public hearing notice was read at 7:49 pm

Ms. Raffo: I move to open the public hearing at 7:57 pm.

Ms. Raffo: please present your request.

Ms. VanTuyl: We would like to upgrade our plan of previous variances of height, building separation, length and rear yard setback for decks.

Ms. Raffo: Any questions from the board?

Ms. Guenste: same units as before? Deck variances, how wide are they now? Deep?

Mr. O 'Conner: max 16 ft wide. 10ft deep

Ms. Raffo: Any questions from the public?

Ronald Hulhoski: I am a resident of fairways and I feel there is no evidence of hardship shown for variances. Look at two phases (changing from single family units to smaller units) what about the higher common charges for these units?

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Ms. Guenste: physical buildings changing, units different. Physical and environmental effects as more green and more open space. We are looking at the area variance.

Mr. O' Conner: No financial changes

Ms. Raffo: adverse physical effect.

Ms. VanTuyl: This new plan reduces the amount of variances previously requested. Virtually the same as this board previously granted and previous decisions.

Ms. Raffo: I move to close the Public Hearing at 8:13 pm; seconded; all in favor; motion carried.

Ms. Raffo: I move to grant the following variances; Building T-31 35 feet to 47 feet. Buildings T-26, T-27, T-28, T-29, and T-30 of 35 feet to 39 feet. Buildings T-32, T-33, T-34, and T-35 of 35 feet to 47 feet. Building T-15 to T-26 of 78 feet to 72 feet. Building T-27 to D28 of 78 feet to 70 feet. Building T-28 to T31 of 94 feet to 79 feet. Buildings D-19, D21, D22, D29 and D30 of 50 feet to 40 feet. Building T29 of 132 feet in length to 151 feet; Seconded.

**DISCUSSION:** None

**Vote:** in favor (aye) 5 Raffo, Guenste, petelinz, Coffeoo, Johnson,  
Opposed :( nay)  
Abstained: 1 Dunn

**DECISION:** The variances are granted. You have 6 months to start work and if you do not send a letter to request an extension, if not, you will need to reapply.

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**TRIPLE S**

Request for a variance of 249- 19  
1. Lot Area- 3 Acres to 1 Acre  
Request for variance of 249-11  
1. Lot Depth- 300' to 200'  
Property located at 46 York rd. S  
(3-1-118)  
Designated RA

Ms. Raffo: The mailings were reviewed by the board and filed for the record. The public hearing was read at 8:17 pm.

Ms. Raffo: I move to open the public hearing at 8:18 pm.

Ms. Raffo: please describe what you want to do.

Ms. Plass: we would like to put up a single family three bedroom home on a one acre dwelling where we previously had a trailer that has since been removed. All we are pretty much asking for is an area variance.

Ms. Raffo: We see that you do not have the correct information with you. We do need more information from the planning board to move along with this project.

Ms. Raffo: Motion hold open till August meeting; Seconded

Board: next meeting second Monday of August (13<sup>th</sup>)

**Vote:** in favor (aye) 5 Johnson, Guenste, Petelinz, Coffeoo, Raffo  
Opposed (nay) 0  
Abstained 1 Dunn

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**Spadafora**

Request for a variance of 249.22

1. Front yard- 35 to 14.8
2. Side yard- 20 to 3.7
3. Lot Depth- from 125 acres to 120 acres
4. Lot Area- from 18750 acres to 12000
5. Use variance 249-22 two families

Property located at 46 Belmont Ave.

(75-6-7)

Designated: R-1

Ms. Raffo: The mailings were reviewed by the board and filed for the record. The public hearing notice was read at 8:38 pm.

Ms. Raffo: I move to open the public hearing at 8:39 pm.

Ms. Raffo: Please present your request.

Ms. Plass: We are looking for a use variance to build a front and side addition.

Ms. Raffo: Again, we do not have the correct information needed from the planning board to grant this variance.

Ms. Raffo: Motion hold open till until next meeting; Seconded.

**DISCUSSION:** (none)

**VOTE:** In favor (aye) 5 Guenste, Johnson, petelinz, Raffo, Coffeoo  
Opposed (nay) 0  
Abstained 1 Dunn

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**REVIEWS:** No applicants appeared for review

**MEETING CLOSE:**

Ms. Raffo: There are no further items to be presented to the Zoning Board of Appeals; I move to close the Public Hearing at 9:05 pm.