

TOWN OF WALLKILL ZONING BOARD OF APPEALS

MEETING MINUTES

-

JULY 11, 2005

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

J. Owen, Esq.

MEETING OPENING:

The July 11, 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 June 13, 2005 meeting minutes. The following corrections were noted for the record:

Page 7	Para ..	electric systems are not reliable in that area.
Page 15	Para 16	'stake' not steak
Page 21	Para 7	...you want two 92) lots of 1.34 acres each?
Page 25	Para 14	...is a small 1000 sq/ft house and a 2 story is 2,400 sq/ft.

The Motion was made to accept the Minutes as noted; Seconded; In favor (6); Abstain (1); Motion carried.

The following Public Hearings were heard and voted upon as noted and applications reviewed for Public Hearing on August 8, 2005.

PUBLIC HEARINGS

Mario Mansueto: Request for a variance of 249-3 (accessory building) from 28x28ft to 40x60ft for construction of a storage garage for personal cars and items; Property located at 218 Mud Mills Road (Sec 40 BL 1 LOT 26); Designated R2.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:36 pm.

Mr. Mattatall: I Move to open the Public Hearing at 7:38 pm.

C. Rotundo (with the applicant): He wants to put in a 40ft x 60ft garage to store some of his antiques and personal vehicles the he owns.

Mr. Mattatall: How will it be constructed?

Mr. Rotundo: Probably metal.

Mrs. Thompson: I think it is too big.

Ms Guenste: I'd like to hear from Public first.

Mr. Mattatall: How many bays?

Mr. Mansueto: Two (2).

Mrs. Thompson: How many cars?

Mr. Mansueto: I have so far 11 cars and no where to keep them.

Mrs. Thompson: Where do you keep them now?

Mr. Mansueto: I pay rent and I have 7 kids.

Mr. Rotundo: Each kid has a car and some have friends visit and need a place for them.

Mr. Mattatall: Any questions from the Public?

Mr. Norman Pedersen: We were concerned where the building will be.

Mr. Mattatall: Can you show him the site plan (so he did).

Mr. Pedersen: Oh, behind it.

Mr. Rotundo: Yes. There are trees back there but we might only have to take out 2 of them.

Mrs. Pedersen: What will you use it for what?

Mr. Mansueto: For antique cars I have 7 antique cars 2 coups and another 1987 Buick Grand National and I like the antique cars and the children like them. I have 3 acres of land and can no see why not.

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

Mr. Mattatall: Any questions from the Board?

Ms Guenste: You will leave the trees and there is the opening in the middle. As far as the trees there is another house back here (looked at the drawing) will you leave trees to give... its open and I worry about people building and knocking everything down.

Mr. Rotundo: We will use them as screening.

Mr. Morgan: What is the proposed height?

Mr. Rotundo: About 12 feet in back.

Mrs. Thompson: You will store cars and family cars in that place?

Mr. Mansueto: If you stop by on the weekend all relatives come and have big family and have a lot of cars.

Mr. Rotundo: He has a lot of cars.

Mr. Mansueto: They go to college and come back.

Ms Guenste: Can we add *you have to leave the trees back there?*

Mr. Rotundo: We want to leave what we can.

Ms Guenste: I'd like.

Mr. Mattatall: I Move to close the Public Hearing at 7:43 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance for and accessory building from 28x28ft to 40x60 feet for the storage of personal cars subject to: removal of trees only necessary for the driveway or way of the building; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye):	6	Sullivan, Johnson, Guenste, Morgan, Raffo, Mattatall
Opposed (nay):	1	Thompson

DECISION

Mr. Mattatall: The variance is granted, subject to: that only the tress necessary for the driveway or in the way of the building be removed. Please see the Building Department.

Amy Bartelt-Minutolo: Request for a variance of 249-19D(setbacks):

- 1) Front yard from 60ft to 52ft;
- 2) Side yard from 40ft to 19.1ft;
- 3) 2 side yards fro 100ft to 62ft;

Property located at 699 Mt. Hope Road
(SEC 64 BL 1 LOT 6.1); Designated RA.

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 7:46 pm.

Ms Minutolo: We want to add on an addition to make the bedroom bigger and make a den. The front and 2 side yard variances are needed.

Mr. Mattatall: That will come to end of concrete step at the walkway; not wider than existing house?

Ms Minutolo: Yes. No.

Ms Guenste: How many stories?

Ms Minutolo: One (1).

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

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

Mr. Mattatall: I Move to close the Public Hearing at 7:48 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances: 1) front yard from 60 to 52 feet; 2) one wide yard from 40ft to 19.1ft; 3) 2 side yards from 100ft to 62ft; 3); Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye): 7 Morgan, Raffo, Guenste, Johnson, Sullivan, Thompson, Mattatall

DECISION:

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

Robert and Laurie Varney: Request for a variance of 249-3 (accessory building) From 28x28ft to 25x50ft for construction of a garage for storage of personal items (antique cars, quads, etc.);
Property located at Rt 17K and Youngs Lane
(SEC 1 BL 1 LOT 18); Designated R2.

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 7:50pm

Mr. Varney: We want a 25ft by 50ft building for the storage of old cars and quads, etc. and put it behind the building I own on 17-K.

Mr. Mattatall: The trailer for storage - will be removed?

Mr. Varney: Yes, no problem.

Mrs. Thompson: What is the size of the building?

Mr. Varney: The size is 25x50ft. Since we have done this much and gone this far, go to (increase it to) 50.

Mr. Mattatall: What will go in the garage?

Mr. Varney: Old cars and quads – stuff.

Mr. Mattatall: You can amend it (the application) if you want to.

Mr. Varney: We were told to move it to another piece of property.

Mr. Mattatall: The map notes there is a stream and it is not encroached by wetlands or flood plane.

Mr. Mattatall: Any questions from the Board?

Ms Guenste: You will have the driveway go up thru here (looking at map)?

Mr. Varney: To the right side of the apartment.

Mrs. Thompson: The bungalow has a garage?

Mr. Varney: Yes.

Ms Varney: There is a gravel driveway there now.

Mrs. Thompson: It will go thru the bungalow?

Mr. Varney: There is a driveway there now. What ever needs to be - you'll tell us.

Mr. Mattatall: Is that the driveway you will use primarily on the right side of the garage?

Mr. Varney: Yes.

Mr. Mattatall: Between 2 pieces of property you own now?

Mr. Varney: Yes.

Mrs. Thompson: If he sells it, it could be a problem.

Ms Guenste: How big is the piece next door?

Ms Varney: 1.8 next door.

Ms Guenste: Okay. Because that was my concern if he sells the piece next door can we approve a driveway on the property line?

Mr. Mattatall: It will not be on the property line. It can be there. That is common. It does not encroach on it.

J. Owen, Esq.: You are not voting on the driveway.

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

Mr. Mattatall: Any comments from the Board?

J. Owen, Esq.: If the building approved he will need to discuss this with the building department regardless because the spot for the driveway is close to residential structure it is passing. He will have problems with the building department.

Mr. Mattatall: Just where driveway is located – a snaking driveway.

Mr. Mattatall: I Move to close the Public Hearing at 7:56 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following accessory building from 28x28ft to 25ft x 50ft accessory building; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye):	7	Morgan, Raffo, Guenste, Johnson, Sullivan, Thompson, Mattatall
Opposed (nay):	0	

DECISION:

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

Lawrence Bedosky: Request for a variance of 249-22-D (lot size):
1) area from 12,500 sq/ft to 9,854 sq/ft;
For construction of a single-family house;
Property located at 35 Fairfax Avenue
(SEC 75 BL 6 LOT 11.100); Designated R-1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:57 pm.

Mr. Mattatall: I Move to open the Public Hearing at 7:58 pm.

Mr. Mattatall: Please present your application.

Lawrence Bedosky: When I came here for the lot size we considered variances off the property lines. We have made it fit. That's the only thing that changed and a variance is needed for the lot size.

Mr. Mattatall; You are asking for area from 12,500 sq/ft to 9,854 sq/ft and the house will fit within lawful setbacks.

Ms Raffo: Can we stipulate that?

Lawrence Bedowsky: (Applicant handed out copies for the Board). It is very close but I spoke with 'Don' who said to get it where we need to get it. There is not much wiggle room, I realize that.

Mrs. Thompson: What are the dimensions of the house?

Mr. Bedowsky: It is 26x52ft and 2nd story (dotted line) goes up 28 for 2 foot overhang on the back.

Mr. Mattatall: You are fitting the cantilever within the foot print?

Mr. Bedosky: I was told to. Chimneys are part of it.

Mr. Mattatall: You are well within what you need to do with this.

Ms Guenste: There is no front porch, where are the stairs in front of the house?

Mr. Bedosky: It is a Bilonial – enter looks like bilevel, no stairs going up and back is 4 foot wide deck.

Ms Guenste: Porch in back has to be within the foot print.

Ms Raffo: We need you to understand you can't come back to put a bigger deck on the back.

Ms Guenste: The whole area has smaller sized houses, why a 52 foot house on this tiny lot where homes are 30x30 or 30x20? It seems you are building a castle in middle in the middle of the Village.

Mrs. Thompson: Single family

Mr. Bedosky: This is a single family and most are this size but the bungalows are being replaced with bigger houses.

Ms Guenste: 52 is one of biggest we are trying to fit.

Mr. Bedosky: Limited width, we had to go with the length.

Mr. Mattatall: You have a tapering lot there.

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 8:04 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following lot area variance from 12,500 sq/ft to 9,854 sq/ft; subject to that no further variances will be sought for the property; Seconded.

DISCUSSION:

Ms Guenste: I really don't like it that big, but I look at the variance criteria, I have to vote yes.

VOTE:

In favor (aye): 7 Morgan, Raffo, Guenste, Johnson, Sullivan, Thompson, Mattatall

DECISION:

Mr. Mattatall: The variance is granted subject to that no further variances be requested for this lot. Please see the Building Department.

Richard Kruseck: Request for a variance of 249-19-D (area and lot depth):
To create two lots from one:
1) area from 12,500 sq/ft to 1.34 acres each;
Property located on Ridge Road
(SEC 32 BL 1 LOT 441.);
Designated RA.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing notice was read at 8:05 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:06 pm.

Roger Ferris: He would like to subdivide to build home for himself and family on lot and keep mobile home for family members. He has to go through the Planning Board process. The soils accept well/septic requirements will be met when designed. The PB will make sure that will happen. We need variance to move ahead. When he built it was 1 acre and had plans to do something of this nature.

Mr. Kruseck: I had planned to do it 12 years ago and my wife left and I had sole custody of 4 children. Now I am trying to follow through with it.

Mrs. Thompson: It had 77-B soil back then when you bought it.

Roger Ferris: He bought the whole thing but by old standards 1.75 and 2 acres is the new standards – it is not that much of a hardship.

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

Mr. Mattatall: Any questions from the Public?

Gail and Thomas McClusky, 232 Ridge Road: We are across the road and couple of questions. By the zoning you need a minimum of 2 acres, is that correct? If he has 2 acres how can he put up a 2nd house? He has no road frontage - which ends at our driveway so where would it go? If he gets permission and wants to sell the house he would have to subdivide - how can you do that if you don't have enough to sub divide.

Mr. McClusky: The soils is an issue too.

Mr. Mattatall: The soils require more than that.

Mrs. McClusky: That sets precedence and people can come in and ask for a 2nd house. The people on road before he was there tried and was told by the planning, zoning and building department that they could not do it and that was more than 12 years ago.

Mr. McClusky: I contacted the Town and who owns the front and they said it's owned by the County. They (the County) said to call John McCarey and there was something with taxes.

Mrs. McClusky: It went to county for taxes and got the paper in 1983.

Mr. Kruseck: The Town owns it. The Town did not have problem extending the road.

Mr. McClusky: Who extends the road?

Mrs. McClusky: I talked about the extension of the road – it is not going to be done. They surveyed the road in 1983 and the road it not going to happen. In 8/83 where County gave the road back to the Town. I have this file that pertains to all the papers and info when they were going to do road over back to 1985.

Mr. Mattatall; If the Town owns the road do they have to make it accessible?

Mr. Ferris: They would have to do up-grading to make useable for traffic.

Mrs. McClusky: The Town said they will not put the road through.

Mr. Ferris: The sub-divider would have to bring it up.

Mrs. McClusky: I spoke to the Town and they have surveyed it and spent a lot of money. Not enough property how can you sub divide when you have to have 2 acres.

J. Owen, Esq.: The road is before the Planning Board.

Lisa Flagger: I spoke to the Town and was told it was a great idea if they owned it would be great idea – commissioner highway. They said the County owned it and Mr. McCarey is Real Properties. The County took it as a tax sale.

Mr. Mattatall: You talked to them today?

Lisa Flagger: The Town said it is a great idea because people turn around in the driveway. It is grass now. We showed proposed road and said it good idea if we did it. If we did the specs of the road they would maintain it.

Mr. Kruseck: The trucks turn around in the driveway – plows.

Mr. Raffo: When you bought it it was 1 acre but the soils would have to had to have been for 1.75 acres to build on it. You could not have sub divided it under 1 acre and the soils have not changed and can't see how you can sub divide it now. It would not have passed with soils before.

Lisa Flagger: Subdivide in case you want to sell. Can we sell it with 2 houses in the future?

Mr. Ferris: Can you have 2 residences?

J. Owen, Esq.: In some zones. It says 'on lots which have ability' which is enough to subdivide based on environmental formula can the lot can be subdivided.

Mr. Mattatall: This is because of septic.

J. Owen, Esq.: That was added 2 years ago.

Mr. Mattatall: There is an environmental formula which comes into play per dwelling.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 8:18pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I move to grant the following area variance to sub divide 2 acres to 2 parcels of 1.34 acres each; Seconded.

DISCUSSION:

Ms. Guenste: It is a substantial request and is more than 50% of what zoning says and it has changed to 2 acres. With wells and septic we don't know what is going to happen in the future. You have a place you are living now in right now.

Ms Sullivan: I agree for the same reason.

Mr. Johnson: The soils will not support the well and septic.

Mr. Mattatall: I am not in favor for the same reasons as Ms Guenste.

VOTE:

In favor (aye):

Opposed (no): 7 Guenste, Morgan, Raffo, Sullivan, Johnson, Thompson, Mattatall

Mr. Kruseck: We have 6 kids in 3 rooms and we have them in the living room.

DECISION:

Mr. Mattatall; The variance is denied.

Frank Rossi: Request for a variance of 249-28-D-3(a,b):
Landscape buffer on Bahrenburg Road from 50ft to 10 ft;
Property located at Bahrenburg Road and Silver Lake Scotchtown Road
(SEC 40 BL 1 LOT 15.221); Designated PID.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the secretary. The Public Hearing Notice was read 8:20 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:21 pm.

Dan Yanosh: I am the surveyor and have the site plan for a 1 story office building/shopping area and the zoning requires the land be landscaped in PID zone front width and sides of the lot for total of 50 feet.

We have frontage on 3 roads which is front/rear and the Planning Board sent us here for the 50 ft landscaping. If it is abided by the landscape it would cut out the majority of the property. We could not build much at all. The restriction is a lot because of 3 fronts. We can do it on one side and variance on 2 others for parking. There will be 10 feet for landscaping.

We have an architectural of the building (showed from south side) and front of building. We will use natural woods and it will blend with barn across the street. Clabbered siding.

Armand Giccone, Architect: We are planning to do pre-cast stone for base or natural material, 'V' jointed cedar sided and roof will be metal so it rusts and blends in with the barn.

Mr. Mattatall: There is not a lot of traffic on that end of the road.

Mr. Yanosh: Tried to reach the Town about land that was abandoned and the road remains a Town road.

Mr. Mattatall: We have given a variance to lower their buffer because of the layout of the property.

Ms Guenste: Is this line (looking at drawings) a concrete curve?

Mr. Yanish: A curve.

Ms Guenste: I don't know, but to me if you measure from there - not the 1st tree, for the 50 feet. Distance to the curb. There is no railings and if you take trees out this is all flat and talking about cement that is 10 feet and look the state it taking it over and make it 3 lanes both way at some point. 10 feet from highway to driveway where you have parking and driving and kids hop out and is unsafe having driveway that close to major road.

Mr. Yanosh: There is a bridge and property is not along the side of the right of way. The pavement is not shown.

Ms Guenste: I'd like to know that and I have to look at the safety of residences and are we approving something that is not safe for the residence. The landscape on the driveway looks like its off the property. You can put it if you don't own the land.

Mr. Yanosh: I have 10 feet between curb and property. Now we have 20 or 25 to make up for 50 we are missing.

Ms Guenste: If you landscape to the edge of road and Town owns 25 feet center of road out. You are showing landscape and cement curb on town paving.

Mr. Yanosh: You have to curb it. I can landscape the 10 feet.

Ms Guenste: There is 2 acres here almost – like to see the project come in fit the property that is there if you can understand what I mean. People come in stretching it out, asking for variances instead of working with what they have.

Mr. Yanosh: I have buildings 1/3 of this size. There are roads with no traffic at all.

Ms Guenste: I am looking at a highway with tractor trailers and it is flat and you can drive on it without any problem at all. You have a place where people are driving. I don't know. This is what I looked at when I looked at the site. I have to look at overall and consider my residence and am I looking at something that is safe not if its 10 feet from highway traffic.

Mr. Yanosh: Is that Planning or Zoning Board?

Mr. Mattatall: That is Planning Board.

Ms Guenste: Can you measure 50 feet from property line – you are going thru the driveway to here (drawing) you are off the property. It's like me putting landscaping in the middle of the road.

Mr. Mattatall: The buffers are marked on this.

Ms Guenste: The dotted line is their land line.

Mr. Yanosh: If the PB deems that we have to put in plantings - we will.

Mr. Mattatall: This is conceptual plan and they require specific detail.

Ms Guenste: They are asking me for a variance and am looking at something that is not actual. The dotted line is a property line – where does it end.

Mr. Yanosh: Do you want us to take the bushes out?

Ms Guenste: That is not his property.

Mr. Mattatall: All of this is not on their property.

Ms Raffo: He still has 10 feet.

Ms Guenste: He is showing me something that makes no sense and don't have 10 feet at the top and it should be 50 feet.

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

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

Mrs. Thompson: The 10 feet on the bottom is a problem.

Ms Guenste: Is that a variance along Rt 17?

Mr. Yanosh: Yes. It is 10 feet from the iron rod to the road. The front set back is 50 from the building which is same for landscaping land also. Variance on 2 roads.

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

Mr. Mattatall: I Move to close the Public Hearing at 8:35 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall; I Move to grant the following variances:

- 1) 249-28-D3(a/b) landscape 50 feet to 10 feet; (area from the 1st iron pin to the 2nd on Bahrenberg Road and from the 2nd iron pin on Bahrenberg Road to the iron bar along Rt 17 to the concrete on the North side); Seconded.

DISCUSSION:

Ms Guenste: I think this is self created and can be used for a smaller building.

Mr. Johnson: Due to the layout of the property, I am in favor of it.

VOTE:

In favor (aye):	5	Sullivan, Johnson, Morgan, Raffo, Mattatall
Opposed (nay):	2	Guenste, Thompson

DECISION:

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

Jim Ramano: Request for the following variances:

- 1) Rear yard (249-29-D-2a);
- 2) Rear yard set backs (249-28-D-2a)
- 3) landscaping (249-28-3 (a, b)

Property located at 18 Golf Links Road
(SEC 78 BL 1 LOT 42); Designated PID.

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 8:40pm.

Dan Yanosh: This is the former Doctor Leavy practice – it is in PID and is an old building and he wants to remodel to make it nicer looking. It is too close to line and it will make it a nicer area. The lot is below 60,000sq/ft and building is 20,687 sq/ft and is pre-existing. To build on it and meet the setbacks – the ‘pink’ is what he would have. He spoke to Rowley and Garrison and both turned him down to sell him property for his relief.

Ms Sullivan: Is this a different map?

Mr. Yanosh: It is the same but it is highlighted using required set backs.

Mr. Mattatall: There is no highway and is more of a buffer than before.

Mr. Yanosh: Yes. It will improve it in the front and along the sides.

Ms Thompson: Can he keep the old while he builds the new? If you put the new building someplace else and then tore down the existing there would be no problems.

Dr. Ramano: I would like to keep it there and be in the same area and not have to relocate elsewhere.

Mr. Yanosh: Take it down, and rebuild with no variances? He needs 50ft rear, front and sides. He could if he built on the same foot print but that is not addressing the parking.

Mrs. Thompson: It’s a tight little area.

Mr. Yanosh: It is a pre-existing tiny lot in PID. When we renovate, the existing one which is not an economically feasible building. It will be an enhancement for the community.

Ms Guenste: How many stories?

Mr. Yanosh: One.

Ms Guenste: The thing I was looking at...I mean only 8 feet in the back...how does the fire department feel about that narrow of a space if there was an emergency. 8 feet is close to the line.

Mr. Yanosh: They do have a concern and we are talking to them about it. It is a Planning Board issue.

Ms Guenste: They are saying its too small.

Mr. Yanosh: If we can prove thru construction they will allow it. We probably can't do much more than that.

Ms Guenste: That is pretty plain to me.

Mr. Yaonsh: I can't put building closer to the road than 10 feet to curb to road and can't move closer.

Ms Guenste: You will have more parking when you take the building down and we have to respect what the fire department is doing. That is a variance you are asking for.

Mr. Yanosh: If I have to make smaller for access I will.

Mr. Mattatall; It would be difficult to vote for 8 feet if the FD has a problem with it..

Ms Guenste: Are you in a rush to do this?

Dr. Romano: No, it has been in talking about relocating that is difficult. I want to do the best we can for the site plan.

Ms Raffo: I have problem with 8 feet because the fire department has a problem. We need something to vote on.

Mr. Mattatall: Any questions from the Public?

Brian Rivenburg, Rowley Building Products (President): We own on 2 sides. He did not speak with me.

Dr. Romano: Dr. David Weibolt said he spoke to you and the Rowleys who commented on the fence being angular.

Brian Rivenburg, Rowley Building Products: We spoke to Mr. Rowley. This is the property here and here (looked at the map) is Rowley property. I do not mind someone enhancing their property but do mind with the 8 feet. We put up 11,000 foot addition and met all setbacks, storm water, 3 retaining ponds, and additional parking. I have not seen the plan. My concern is the storm water and fisher when they expand it was letting it (water) run down hill to our property and big concern when you encompass lot with building and blacktop and don't want it on our property.

Fire is an issue and greenery is an issue. We went thru expense to beautify with landscape and I am concerned about that also. It is a medical building and know it got into PID because Bernie was PB and it is grandfathered and am wondering about parking - is there enough now.

Mr. Mattatall: The drawings are underneath yours. We will address issue of the FD and not vote tonight and get clue from them what they mean. They may want 90 feet or width of their newest truck. The storm issue? That is PB issue.

Brian Rivenburg, Rowley Building Products: Is there a storm water plan?

Mr. Yanosh: Why do the engineering for the ZBA and it is a Planning Board issue.

Mr. Mattatal: I would like more rationale from the fire department first before moving ahead.

Brian Rivenburg, Rowley Building Products: I have no problem with variances as long as variances are taken into account. No one wants to see building 8 feet from the ir property line.

Mr. Mattatall: I Move to continue the Public Hearing at 8:54 pm, to August; Seconded; All in favor; Motion carried.

Mr. Yanosh: I will contact the fire department for further clarification. It's a small building at 50x50 and single story and houses closer to lot line than that.

KJ Mountain (Avenue "D"): Request for a variance of 249-22-D (area)
From 12,500 sq/ft to 9,600 sq/ft for construction of a single-family dwelling.
Property located on Avenue D
(SEC 77 BL 4 LOT 10.2); Designated R-1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Notice was read at 8:44 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:55 pm.

Dan Yanosh: This is vacant lot 80x120 ft on Avenue D in The Town of Wallkill in a R1 zone and is pre-existing. It meets the requirements for setback except for the lot size 12,500 and we have 9,600 sq/ft. They propose a 48x38 ft bi-level and a set back of 15ft for side yard and 16 on each side, a 35 front yard, set back to 40 feet and at least a 50 foot rear yard. The lot on right has a 2 story and land to the north west is vacant to the corner. 2 story across the street and some are small ranches. There are bi-levels and raised ranches as well and are consistent.

Mr. Mattatall: Sensible.

Mrs. Thompson: Single story?

Mr. Yanosh: A bi-level.

Mr. Mattatall: You have room for deck without variances.

Mr. Yanosh: Yes.

Ms Guenste: 5 foot extra in the front and 35 feet with a small section for what? Entrance way or deck?

Mr. Yanosh: I set it back 40 feet.

Ms Guenste: 5 feet for the deck.

Mr. Yanosh: 50 feet from the back to rear line. 16 foot deck no problem at all.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 8:58 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances: 1) area from 12, 500 sq/ft to 9,600 sq/ft; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye):	7	Guenste, Sullivan, Johnson, Morgan, Raffo, Thompson, Mattatall
Opposed (nay):	0	

DECISION:

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

KJ Mountain (Avenue "E"): Request for a variance of 249-22-D (area):
1) Area from 12, 500 sq/ft to 9,600 sq/ft;
Property located on Avenue E
(SEC 77 BL 6 LOT 3); Designated R1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:59 pm.

Mr. Mattatall: I Move to open the Public Hearing at 9:00pm.

Dan Yanosh: The is located 1 (one) block from the Avenue D lot. It is a pre-existing lot that is 9,600 sq/ft versus the required 12,500sq/ft and we are looking for a 48x38 bi-level. It fits into the neighborhood. The same situation.

Mr. Mattatall: You have set backs met in the front.

Mr. Yanosh: The same foot print.

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

Mr. Mattatal: Any questions or comments from the Public?

Public: Audry Boyd, David Whitby of 15 Ave E, Brenda Ferrante of 30 Ave F; Janet Burdine of 30 Ave E and Donald Duernberger.

Mr. Yanosh: We are here for Avenue E. We have explained the lot layout to the public and it is here at the table. The rear set backs, etc. (showed them).

Audry Boyd (Public): This is 50 feet from back to lot line?

Mr. Yanosh: Yes.

David Whitby (Public): I live next door and it is too close to my house especially if there is a driveway.

Mr. Yanosh: There is a front access driveway. It is not close to your house. We could not get a side entrance garage.

Audry Boyd: It's a bi-level house and you want it to fit.

David Whitby: Yes, not a tower sticking up. If it is one story as the rule - it is the rule.

Mr. Yanosh: It is a vacant lot and there is a 2 story nearby. It is 2nd level above.

Audry Boyd: You don't want castle in there.

David Whitby: A tree has been there for 40 years and we don't want it chopped down. My father built the road.

Mr. Mattatall: Virtually every lot is 9600 sq/ft. You need 12,500sq/ft in your community and every lot is virtually the same size.

Audry Boyd: Mine is 3 lots.

David Whitby: If it does not fit, maybe make it smaller?

Mr. Mattatall: We only deal with the foot print.

Mr. Yanosh: The builder wants it to fit in and it's not a 300,000 house that would not sell. The value will improve yours.

Public: Did you build the house on Avenue B.

Audry Boyd: Who is the land owner on Avenue B

Mr. Yanosh: I don't know. I am the surveyor.

David Whitby: There is a concern that there is a fence of Walsh's that is falling over into our yard.

Mr. Mattatall: Take that up with the building department.

Ms Guenste: Did you ever talk to him about it?

David Whitby: He is never home.

Public: There is a big difference between 12500 and 9600 sq/ft - how can he build a house?

Ms Guenste: Stay within the set backs because the lots are small out there. Like you say - you have a double lot and another with 3. So many of the lots out there are like this.

David Whitby: You make rules and then change them.

Mr. Mattatall: That is the purpose of the board to address the minimal relief.

David Whitby: If a driveway is in front - there is a big pole - I don't want it to end up in the middle of my yard to make room for this - it is the only light for the neighborhood.

Mr. Mattatall: In the middle?

David Whitby: 16 feet in from our line.

Mr. Yanosh: The driveway is on the other side.

David Whitby: We have problems with drug dealers selling drugs and we want to have the light. My concern is that rules are followed and exceptions. My father-in-law has problems and had to spend a \$1000 to take part of his deck off that he built 40 years ago.

Mr. Mattatall: Any comments from the Board?

Mr. Mattatall: I Move to close the Public Hearing at 9:10 pm; Seconded; All in favor; Motion carried.

Mr. Mattatal: I Move to grant the following area variance from 12,500 sq/ft to 9,600 sq/ft; Seconded.

DISCUSISON:

(None)

VOTE:

In favor (aye	7	Guenste, Sullivan, Morgan, Raffo, Thompson, Mattatall, Johnson
Opposed (nay):	0	

DECISION:

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

HEARING REVIEWS:

August 8, 2005

ROUMOY:

Mr. Mattatall; You want deck on the side?

Mr. Roumoy: A handi-cap ramp for my mother in law.

Mr. Mattatall: This is 11 feet from the Birch Street property line. Is there a birch street.

Ms Guenste: It is undeveloped.

Mr. Roumoy: It is a dirt road and kids drive their sleigh down it or bikes.

Ms Guenste: No trucks speaking at 70?

Ms Roumoy: No.

Mr. Mattatall: This is pretty straight forward.

Ms Guenste: Are you building a sunroom or is it there?

Ms Roumoy: No. it is there, its for the ramp.

Mr. Mattatall: I Move to hold a Public Hearing for August 8, 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.

Mrs. Thompson: You will want to get a certificate of mailings from the Post Office.

RAZZANO:

Mr. Mattatall: You have 2?

Mr. Razzano: Lots on Brookline are 50 x 200 and want 2 - single family homes and the area width and side yard are needed.

Mr. Mattatall: I need a survey map of this property. Please send it before next month's meeting. Showing all structures within 200 feet by code. We need ahead of time.

Mrs. Thompson: These lots are adjoining?

Mr. Razzano: Yes.

Ms Raffo: We need to know which number they are.

Mr. Razzano: Next door is 49.

Ms Guenste: You know what I would love – can you put stakes in so we can find it.

Mr. Razzano: Yes.

Mr. Mattatall: I Move to hold a Public Haring for RAZZANO on August 8, 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.

RAZZANO:

Mr. Razzano: This is for a piece of property on Brookline similar to the previous application.

Mr. Mattatall: It is 75-5-20.

Mr. Mattatall: Any questions on this? (no)

Mr. Mattatall: I Move to hold a Public Hearing on August 8, 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.

SNYDER:

Mr. Mattatall: You are requesting to replace an existing trailer with modular home. Length the same?

Ms Snyder: The width changed with a 10 foot deck off the back.

Mrs. Thompson: This is what street?

Ms Snyder: It is Ora Park Circle. The back is new. The whole thing was our relatives.

You need to deal with the lot depth and you have preexisting non-conforming, lot depth, 2 side yard set backs, front yard set back, lot area and a side yard.

Ms Snyder: The rear lot is fine. The front yard now has two houses lined up if we met the code they would be off set.

Mr. Mattatall: I Move to hold a Public Hearing on August 8, 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 **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.

STAPLES:

Mrs. Thompson: It is off what area?

Mr. Staples: Silver Lake Scotchtown. A tiny street on the right.

Mr. Mattatall: The deck not quite as wide as the house?

Ms. Staples: No.

Mr. Mattatall: It is confusing how it says 'Silver Lake Scotchtown Road...'

Ms. Staples: It goes around and into Silver Lake. There is a sign that says Clark Road.

Mr. Mattatall: I Move to hold a Public Hearing on August 8, 2005 at 7:30 pm or as soon there after as the mater 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.

Mr. Mattatall: If you write something to the neighbors about the application, write it on another piece of paper.

MEETING CLOSE

Mr. Mattatall: There being no further business to be presented before the Board; I Move to close the Meeting at 9:29 pm; Seconded; All in favor; Motion Carried.

TSB:jcd

TOWN OF WALLKILL ZONING BOARD OF APPEAL

DECISION SHEET

JULY 11, 2005

Mario Mansueto: Request for a variance of (249-3) (accessory building)
From 28x28ft to 40x60ft for storage of personal cars and items.
Property located at 218 Mud Mills Road
(SEC 40 BL 1 LOT 26); Designated R-2)

DECISION: Variance granted
Subject to the removal of trees only necessary for
the driveway or to make way for the building

Amy Bartelt-Minutolo: Request for a variance of 249-19D (setbacks):
Front yard from 60ft to 52ft; Side yard from 40ft to 19.1ft;
2 side yards from 100ft to 62ft;
Property located at 699 Mt. Hope Road
(SEC 64 BL 1 LOT 6.1); Designated RA.

DECISION: Variances granted

Lawrence Bedosky: Request for a variance of 249-22-D (lot size) from 12, 500 sq/ft to
9,854 sq/ft. for construction of single-family house.
Property located at 35 Fairfax Avenue
(SEC 75 BL 6 LOT 11.100); Designated R1.

DECISION: Variance granted
Subject to no further variances will be sought for
this piece of property.

Richard Kruseck: Request for a variance of 249-19-D (area and lot depth) to create
two lots from 12,500 sq/ft each to 1.34 acres each;
Properties located on Ridge Road.
(SEC 32 BL 1 LOT 44.1); Designated RA.

DECISION: Variances denied.

Frank Rossi: Request for a variance of 249-28-D-3 (a,b):
Landscaping buffer on Bahrenburg Road from 50ft to 10ft;
(from 1st iron pin to 2nd on Bahrenberg Road and from 2nd iron pin
on Bahrenberg Road iron bar along 17 to concrete on north side.
Property located at Bahrenberg Road and Silver Lake Scotchtown
Rd. (SEC 40 BL 1 LOT 15.221); Designated PID.

DECISION: Variance granted.

Jim Romano: Request for variances of 249-28-D-2a (rear yard); 249-28-D-2a (rear yard set backs); and 249-28-D-3 a & b (landscaping)
Property located at 18 Golf Links Road
(SEC 78 BL 1 LOT 42); Designated PID.

Public Hearing to be Continued on August 8, 2005.

KJ Mountain: (Avenue E) Request for a variance of 249-22-D (area) from 12,500 sq/ft to 9,600 sq/ft for construction of a single family house.
Property located on Avenue E;
(SEC 77 BL 6 LOT 3); Designated R1.

DECISION: Variance granted.

KJ Mountain: (Avenue D) Request for a variance of 249-22-D (area) from 12,500 sq/ft to 9,600 sq/ft for construction of a single family dwelling.
Property located on Avenue D;
(SEC 77 BL 4 LOT 10.2); Designated R-1.

DECISION: Variance granted

Robert & Laurie Varney: Request for a variance of 249-3 (accessory building)
From 28x28ft to 25x50ft for a garage and storage of personal items
(antique cars, quads, etc.).
Property located on Rt 17K and Youngs Lane
(SEC 1 BL 1 LOT 18); Designated R2.

DECISION: Variance granted