

TOWN OF WALLKILL
ZONING BOARD OF APPEALS

July 13, 2009

PRESENT:

Mr. K. Dunn
Ms S. Najac
Ms M. Petelinz
Ms Sullivan
Mr. S. Wilson, Chairperson

J. Owen, Esq.

EXCUSED:

Mr. E. Johnson (excused)

MEETING OPENING:

Ms Wilson: I Move to accept the June 8, 2009; Seconded (Sullivan); All in favor; Motion carried.

The following Application Reviews (August 10, 2009) and Public Hearings were conducted, voted upon as noted and scheduled.

CORRESPONDENCE:

Six Month Extensions:

Leslie Rogers Newman (M&M Road):

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

Mr. Wilson: I Move to grant a six month extension for variances originally granted on January 14, 2008 of 249-20(12)(1) (front yard set back) on an existing non-conforming lot, extended July 2008: 1) front yard from 150ft to 100ft; Property located on M&M Road (14-1-11); Designated R-2. Previously granted subject to, no further variances being granted on this lot; and building set backs;

Seconded (Dunn); All in favor; Motion Carried.

Mr. Wilson: Six month extension granted.

Greenwood Realty Co. / Richard Cappelluzzo:

Mr. Wilson: They are requesting an extension of variances for a 6 lot sub division, due to the fact they are still in the Planning Board process.

Mr. Wilson: I Move to grant a six month extension on variances previously granted for Greenwood Realty Co./ Richard Cappelluzzo: Request for a variance of 249-20(D)(1)

Lot area, width and frontage:

Area:	Lot #1 from 1.5 acres to 0.49 acres
	Lot #2 from 1.5 acres to 0.47 acres
	Lot #3 from 1.5 acres to 0.45 acres
	Lot #4 from 1.5 acres to 0.43 acres
	Lot #5 from 1.5 acres to 0.77 acres
	Lot #6 from 1.5 acres to 0.82 acres

Lot width:	Lot #1 from 150ft to 125.86 ft
	Lot #2 from 150ft to 106.0 ft
	Lot #3 from 150ft to 106.0 ft
	Lot #4 from 150ft to 106.0 ft
	Lot #5 from 150ft to 105.0 ft
	Lot #6 from 150ft to 105.0 ft

Lot frontage: Lot #1 from 150ft to 125.16 ft
Lot #2 from 150ft to 106.0 ft
Lot #3 from 150ft to 106.0 ft
Lot #4 from 150ft to 106.0 ft
Lot #5 from 150ft to 105.0 ft
Lot #6 from 150ft to 105.01 ft

For construction of six (6) houses
Property located at 582 and 588 Silver Lake Scotchtown
Road
(82-2-1.1) (81-2-1.2)
Designated R-2

Seconded (Petelinz); All in favor; Motion carried.

Mr. Wilson: Variance extension granted.

Quick Chek:

Mr. Wilson: The request from Quick Chek is for a six month extension on variances granted on 1/12/09 for project on East Main (78-1-94), they have delayed starting construction due to County permitting for proposes traffic signal and coordination of owner of the demolition of buildings on site as required by the Planning Board. They request a reply to the office once it has been received, please.

Mr. Wilson: I Move to grant the following six month extension on variances granted regarding:

1) accessory building – closer than main building, and, 2) sign variances: Request for a variance of 249-8(a): 1. accessory building (canopy) closer to the road than the front of the main building; 2. sign variances as stipulated on the application; Property locate at East Main Street (601 Dunning Road) (78-1-94) and Designated OR

Seconded; All in favor; Motion carried.

Mr. Wilson: The variances are extended.

PUBLIC HEARINGS:

Martin E. Kuhl

Request for a use variance (249-22):

1. to permit 2 additional apartments

Property located at 512 / 514 Highland Avenue Ext.

(36-2-40.1)

Designated ENT.

Mr. Wilson: The mailings were reviewed by the Board and filed for the Record. The Public Hearing Notice was read at 7:54 pm.

Mr. Wilson: I Move to open the Public Hearing at 7:55 pm; Seconded; All in favor; Motion carried.

Susan Ploss, Land Surveyor:

Ms Ploss: Looking to get use variance. Existing building located next to Highland House and has been – structure consists of 2 apartments approved in 1952 for Fred Kuhl and lower floor commercial for the past – not sure how long; vacant for 2 years not able to rent as commercial. A lot of commercial there now and wants to convert it to 2 more apartments.

Mr. Wilson: Do you have paperwork from the original granting?

Mr Ploss; He is actually out of the country. It was under name of Fred Kuhl but nothing yet.

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

Mr. Wilson: Any questions from the Board?

Ms Najac: Have you been able to rent the ones on the top?

Ms Ploss: Yes, it has - from the '50's, yes.

Mr. Wilson: You are asking for a use variance which is difficult to obtain because of zoning in the Town. How long vacant?

Ms Ploss: Trying to rent for 2 years give or take.

Mr. Wilson: No luck?

Ms Ploss: Not that I am aware of. There are a lot of housing in the area and across the street and the projects. Couple of new next to the storage units.

Mr. Wilson: In that particular block – commercial?

Ms Ploss: Some commercial, Yes.

Mr. Wilson: The burden of proof is on the applicant.

Ms Ploss: He is trying to maintain the building and pay the taxes and tried to rent as commercial and has no luck. He has had success with the apartments and has been so for last 45 years or so.

Ms Najac: The use variance has criteria (4) and going over them, I feel you meet several but one, alleged hardship does not apply to substantial neighborhood – meet that no other commercial has already existing apartment. It would help us if you had proof it was approved.

Ms Ploss: I can work on getting additional information. I have attempted to get some but no luck so far. He will be back and maybe he can find something on a personal level.

Mr. Wilson: I Move to continue the Public Hearing to August 10, 2009; Seconded (Najac); All in favor; Motion carried.

Mr. Wilson: What we also need is that you need to show the proof of hardship – why do you need the variance. We need to see numbers to that fact. Any documentation when it was approved for the first 2 apartments.

Ms Ploss: He knew when it was and who the family member was that did it.

Frank Stritmater:

Request for a variance of 249-22-(D):

1. 2 side yards from 20ft to 13.5ft;
2. both side yards from 40ft to 27ft;
3. lot depth from 125ft to 120ft;
4. area from 18,750 sq/ft to 9,000 sq/ft;
5. lot width from 100ft to 75ft

Property located at 30 Belmont Avenue
(75-6-4.2)

Designated R-1

Mr. Wilson: The mailings were reviewed by the Board and filed for the Record. The Public Hearing Notice was read at 8:01 pm.

Mr. Wilson: I Move to open the Public Hearing at 8:02 pm.

Mr. Stritmater: We want to put a 48 footer; did away with the front variance and going for the two side yard variances.

Ms Sullivan: 2 sides and lot area.

Mr. Wilson: 2 side yards 20ft to 13.5 ft on both sides; also total side yard from 40ft to 27ft and lot depth 125ft to 120ft.

Mr. Stritmater: Okay (he signed the application).

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

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

Mr. Wilson: I Move to close the Public Hearing at 8:05pm; Seconded; All in favor; Motion carried.

Mr. Wilson: I Move to grant the following variances: 1) 2 side yard variances from 20ft to 13.5ft; 2) both side yards from 40ft to 27ft; 3) lot depth from 125ft to 120ft; 4) area from 18,750 sq/ft to 9,000 sq/ft; 5) lot width from 100 to 75ft; Subject to no further variances being granted on this parcel; Seconded.

DISCUSSION:

Mr. Wilson: The other houses in the area are similar to what he is proposing.

VOTE:

In favor (aye) 5 Najac, Petelinz, Sullivan, Dunn, Wilson
Opposed (nay) 0

DECISION:

Mr. Wilson: The variances are granted and are valid for six months. If you have not started work before that time, you must return before that time to request an extension or start the process again.

Hanley Sign Company
(CRH Realty II, LLC)

Request for a sign variance
1. from 225 sq/ft to 350 sq/ft
Property located at 95 Crystal Run Road
(60-1-52.22)
Designated O/R

Mr. Wilson: The mailings were reviewed by the Board and filed for the Record. The Public Hearing Notice was read at 8:09 pm.

Mr. Wilson: I Move to open the Public Hearing at 8:10pm.

Chris Seymour: Representing the applicant.

Chris Seymour: We were approved five months ago for the 4 existing signs around the building now and want to move 2 of the signs to center of building's front and back, remove 2 signs and replace with larger signs seen from RT 84 and Crystal Run Road. Additional signs on canopy for surgery center that is going to be back there and they also have a rock wall sign and add 19" letters added to that wall "Crystal Run Healthcare".

Ms Sullivan: Does it say anything on there now?

Chris Seymour: No

Mr. Wilson: We asked at the review for listing of the changes.

Chris Seymour: Yes, I was working with Barbara for the last 3 weeks and could not find any information from 5 years ago, but no paperwork from 155 across the road. So I measured everything out today. At 155 total sq/ft on building itself is 349.68 ft.

Mr. Wilson: What is square footage of that building?

Chris Seymour: The total footage on building itself is 349.68 feet.

Ms Najac: 349.68.

Mr. Wilson: What is the square footage of the building?

Chris Seymour: The square footage is 71,073 sq/ft.

Mr. Wilson: Signage off building?

Chris Seymour: 2 monument signs at 2 entrances – one at each, they are 69 feet a piece.

Mr. Wilson: so 420 sq/ft total signage for the property.

Chris Seymour: 487.68 sq/ft.

Mr. Wilson: Signs on building and the 2 monuments.

Mr. Wilson: What is going to be the sq/footage of new building?

Chris Seymour: 128,448 sq/ft.

Mr. Wilson: That is bigger. What is the total sq/ft asking for?

Chris Seymour: On that building, including all the signs we talked 469.7 sq/ft.

Mr. Wilson: This is all you need?

Chris Seymour: I have made several trips down here.

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

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

Mr. Wilson: My concern is that we gave you 300 sq/ft in February of 2009 and back in for another 50% than was you got the first. You are allowed 225 in that building, so you are asking for more than double the space.

Chris Seymour: Yes. The new building is 75% bigger than the old building from my figures.

Mr. Wilson: That is the use? Outpatient surgery?

Chris Seymour: I don't honestly know.

Ms Petelinz: Why are you asking for so much more

Chris Seymour: The signage in the back for the surgery center and they want that lit so people can find it and on it's own for 77 and two total there, they want 2 larger signs to see from Rt 84 and on Crystal Run where the building is. If you go by now, they are very small to size of the building; can't really read them..

Mr. Wilson: Some signage is directional that is in the calculation.

Ms Najac: What if we dropped the rock wall sign – it is many distance from the building.

Chris Seymour: It is pretty populated intersection and want their name at the intersection. I have only see the ones on the building during the day.

Mr. Dunn: You can see them from Rt 84.

Chris Seymour: It is a dark wall wit dark sign.

Ms Najac: You are bring up good points about finding it in the case of an emergency and all. But, the rock wall sign is just frivolous – overkill.

Mr. Dunn: you will only see it from Newburgh coming from Port you are already past the exit.

Chris Seymour: Coming east towards Rt 84 is one to move to the center of the building.

Ms Sullivan: These are lit signs. That is what concerns me. You will be able to see it from 84 and anyone else between in the residential areas will be able to see it most likely as well. At first I thought it was the hospital. I don't think be as concerned with that as the lighting.

Chris Seymour: It is subtle lighting at night. The other one across the street is neon.

Ms Sullivan: The one you are proposing?

Chris Seymour: The halo lighting is more subtle.

Mr. Wilson: My concern is that you are allowed 225 and asking for double what is allowed. I think the board brought up good points – some are frivolous, some are directional which I understand, the one in front of surgery center is okay, but he rock wall sign, would you consider...

Chris Seymour: I have to talk to the customer and am here on behalf of them.

Mr. Wilson: we would like you to reduce the number of variances you are asking for. You are asking for a lot. We can vote on it now or see you have adjustments to make – it's your choice.

Ms Najac: The sign – halo signs –

Chris Seymour: They are not turned on when I have been here. They should be on at night. They opened up last week or something.

Mr. Wilson: What do you want us to do? Leave it open.

Chris Seymour: I know they want what ever I can get, it is close to the end of the month. The next meeting is when?

Mr. Wilson: In another month.

Chris Seymour: I know they will not want to do that. If the stone wall has to come out...

What is stone wall footage?

Chris Seymour: It is 35.86 sq/ft.

Mr. Wilson: How many do you have?

Chris Seymour: One sign.

Mr. Wilson: That brings it down to....

Ms Petelinz: He is getting ambulances in and emergencies?

Mr. Wilson: It is an out pt surgery center.

Ms Petelinz: It is questionable in my mind if a sign needs to be that prominent since not emergency vehicles looking for the place. As far as I know it is a 9-5 operation in general. It is daytime operation.

Mr. Wilson: You'll have an appointment if you are going in.

Mr. Wilson: Like to see reduction in signage.

Ms Sullivan: You have total 8, is that what we are looking at?

Chris Seymour: Right now, on the building. 4 and monument sign right now. 2 directional signs going in and not accounted in signage. 4 on the building now. The monument is quite a bit smaller than one across the street. It is 38.9 ft vs 138 sq/ft across the street. (looked at the signage layouts).

Ms Sullivan: It is more significant to have bigger sign there (looking at drawings).

Mr. Wilson: We can give you what you have across the street, not sure of others.

Ms Najac: It is 487 across the street.

Mr. Wilson: It is 349 and then monument sign.

Chris Seymour: Total is 487 correct.

Ms Najac: Give him the 350 sq/ft.

Mr. Wilson: Do you wish to vote on the 350 sq/ft at 4 total.

Chris Seymour: I think I heard them without the rock wall sign.

J. Owen, Esq.: You are willing to amend your application?

Chris Seymour: I will tell the customer tomorrow.

J. Owen, Esq.: Amend for total 350 sq/ft and agreeing there will not be signage on the wall?

Chris Seymour: Yes.

Mr. Wilson: Any other questions? (no)

Mr. Wilson: Move to close the Public Hearing at 8:25 pm; Seconded; All in favor; Motion carried.

Mr. Wilson: I Move to grant the following sign variance: 225 sq/ft to 350 sq/ft total; Subject to no additional signage on rock wall; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 5	Najac, Dunn, Petelinz, Sullivan, Wilson
Opposed (nay)0	

DECISION:

Mr. Wilson: The variance is granted for 350 sq/ft total of signs.

Mr. Wilson: The variance is valid for 6 months, if you have not started work, come in prior to that time to request an extension or the process must be started over again.

CROTTY ROAD, LLC: Request for an interpretation for pre-existing non-conforming use be continued as manufacture/warehouse
Property located at 135 Crotty Road
60-1-2-1.2
Designated O/R

Mr. Wilson: The mailings were reviewed by the Board and filed for the Record. The Public Hearing Notice was read at 8:26 pm.

Mr. Wilson: I Move to open the Public Hearing at 8:27 pm.

Paul Savad, Esq.: and Steve Praver, Architect

P. Sabbit: This is a use variance.

Mr. Wilson: We are looking at it as an interpretation.

Paul Savad, Esq.: No, first of all we went before the Planning Board. IT is a 228,000 sq/ft facility on 37.5 acres since 1974. The architect and myself will testify to. I will go through the litany, current owner while zone MW signed lease with homeland security, have letters and took occupancy then zone changed, signed lease wit red cross and now have new tenant who wants to do architectural moldings. So we went to the PB and asked them approve it. Met with Mr. McGoey and Mr. Lake and liked it. Told us to come to ZBA for an interpretation as a pre-existing non-conforming use – it has never been empty. Or alternative to get a use variance. As matter of fact the last chairperson suggested that we get use and then you are solid and have no future issues. I am making presentation in the alternative. I did ask the PB attorney if they would give us an opinion as to non-conforming and suggested we come there and then back to them. Meanwhile we are up-dating the site and working with the PB and Lanc & Tully and putting in HC spaces and up-date site. To make the record, would like to go through this with documents.

Mr. Wilson: The zoning before the change was what?

Paul Savad, Esq.: We bought it manufacture/warehouse after homeland security went in. they changed it to office / research. They are using it for warehousing.

Mr. Wilson: So still manufacturing/warehouse?

Paul Savad, Esq.: Yes.

Mr. Wilson: What about the Red Cross?

Paul Savad, Esq.: It is warehouse and offices. And I have the leases I want to put. Let me make one thing – want to get thru this. When it was – as interpretation manufacturer in 1974 and have Co search and show all since 1974. It is manufacture/warehouse under last ordinance we have which is 2001, in which it was manufacture/warehouse any establishment that has warehouse and in effect change nature/size or shape of raw materials. That is a combination zoning – not either or. We are asking for interpretation 249-3 of the 2001 that that still continues – use still continues today. I will give you the dates and never been vacated.

In the alternative, Mr. Lake and the last chair last time, give us a use variance, and show how we meet the town's criteria and state's criteria to 4 points. Under the ordinance now, manufacturer and exact same thing – it is in definition and zone is permitted in the town but not in this area any more. So we are not asking for a new zone or new zone change but legalize existing use that is still permitted, manufacturing.

Mr. Wilson: It is the exact definition of non-conforming.

Paul Savad, Esq.: It could be pre-existing n/c and grand fathered.

Mr. Wilson: We might rather have interpretation than use, right? And, based on what you told me and our research, you meet criteria as existing non-conforming.

Paul Savad, Esq.: Yes, we , it is interesting when we went to the PB and why here, only need to go when you are changing the...not doing any construction, not intensifying any more than it is, the PB grabbed us and asked for handi cap parking. It is pre-existing non-conforming use and manufacturing warehouse.

Mr. Wilson: Anything else?

Paul Savad, Esq.: No. I have things for the record if I may. He will affirm what I am telling you. I am giving you the photographs and giving to you again, it can only be used as warehouse.

Mr. Wilson: You gave us this in the review?

Paul Savad, Esq.: Yes. He is the architect and tell you can only be used as warehouse because:

Steve Prawer : First of all they have the ceiling heights from 24 to 34 ft high. With existing, perfectly used for manufacturing and have that height and space is 205,000 sq/ft and put into office research does not make sense. From looking at the photographs, much is pre existing, paving, it has 20 areas for trucks around the whole facility. Only thing we are doing in my calculations on site plan we require total requirements – need 248 parking spaces, we have 362 exiting, non issue. we had Mr. O'Rooke do handi cap in the front and they want have plan changes by the Board.

Paul Savad, Esq.: The next thing is the Madison title insurance title insurance. CO issued in 1970, Tesa Tapa a European company bought it from the institutional lender who took it back and since used for commercial. As matter of fact last 2009, free of violations and any outstanding building permits have been converted to CO. He worked with the building department, Correct?

Steve Prawer: That is correct.

Paul Savad, Esq.: So you have history of the property which homeland security required us to do as well. Even not going for use, we need to move quickly and paying 100,000 a year in real estate taxes and loosing 250k a year because it is only 1/3rd rented. Have 2 tenants who want to come in: Architectural Molding and another one is house manufacturing use which we will go to the PB with.

If you want, I can give you the leases? I can tell you as the attorney and reviewed them, since purchased by Crotty Road, Homeland Security and Red Cross have continued to use and it is occupied as we speak. In April 10, 2001, it was actually 7/26/07 after we bought the building and after Homeland was in, it was reclassified as office/research. Continues to day, 2 tenants, un-rented 145,000sq/ft and 82,800 sq/ft – only portion rented. Either a use or interpretation for pre-existing non-conforming use that is continuing.

Mr. Wilson: Questions from the Public? (no)

Mr. Wilson: Any questions from the Board?

Ms Sullivan: Do you have COs?

Paul Savad, Esq.: We have COs for everything. He has been working for six with the building department. Any outstanding permit has COs and the PB would check it , as a condition of the approval and no outstanding permits. They changed...I went up there, why did they not leave 34 acres manufacturers warehouse – it was ambitious to change it – I understood why. The building is sitting in middle of nothing and undeveloped it around it. If you look down below it is TETZ Concrete. That is not going to affect TETZ. It is continuous use of sand/gravel and way beyond it is office building. Nothing around this and it is up on a hill and can't see if from any where. I think it is a good continued rate able for the Town.

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

Mr. Wilson: I would like to vote on this as an interpretation, personally. Pre-existing use. Any objections to that?

Paul Savad, Esq.: No we do not; I think that is the proper way to go.

Mr. Wilson: I Move to close the Public Hearing at 8:40pm; Seconded; All in favor; Motion carried.

Mr. Wilson: I Move to grant the following interpretation that the pre existing uses are non-conforming based on a continuous and un-interrupted use as a manufacturing warehouse; Seconded (Sullivan).

DISCUSSION:

(None)

VOTE:

In favor (aye) 5 Najac, Dunn, Petelinz, Sullivan, Wilson
Opposed (nay) 0

DECISION:

Mr. Wilson: The interpretation has been made that this is a pre-existing use.

Mr. Wilson: The building is up, and this is an interpretation. Thank you.

William and Nancy Keller

Request for a variance of 249-19(D) (area)
1. front yard set back from 40ft to 20ft;
2. area from 3.0 acres to 2.0 acres;
3. pool to be placed in front of primary residence
Property located at 201 Reinhardt Road
(62-1-33)
Designated RA.

Mr. Wilson: The mailings were reviewed by the Board and filed for the Record. The Public Hearing Notice was read at 8:44 pm.

Mr. Wilson: I Move to open the Public Hearing at 8:45 pm.

William Keller: Like to put up a pool for our 3 kids and where we want to put it is technically in front of the house, to me, technically, the side yard. Looking at the zoning code it is in front of the front plane of the house. The 2nd is from the distance from the property line. On the original maps and application I did not include deck around the pool and at that time it was suggested I bring a amended map if I want to put on a deck. I amended the map to show I would like to put an 8 foot deck.

Mr. Wilson: How affect your request?

Mr. Keller: Distance from property line from 40 to 32ft to 40ft to 20ft.

J. Owen, Esq.: Please sign the copy and date it so we know it is yours.

Mr. Keller: You also requested a tax map of the area with the neighbors.

Mr. Wilson: They were notified by the mailing.

Mr. Keller: There was a 3rd variance lot size from 3 acres to 2 acres.

Ms Sullivan: We wondered if we had to notify the neighbors of the change.

Mr. Wilson: Your property is...

Mr. Keller: Square in middle of the lot.

Mr. Wilson: Thank you. He is on the corner and put it in the back yard (looked at the drawings).

Mr. Wilson: From 40ft to 20ft and nothing else changed. Still in front and lot size 3 acres to 2 acres.

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

Mr. Wilson: Any comments from the Board?

Mr. Wilson: One question – it is nice with the pools and beautiful for the kids, you have seen them in the neighborhoods, the pool remains there and becomes in disrepair. We are going to put structure of the house, will you amend your application to put some sort of buffer between the road and the pool. Not between the house, like to see something in front of that.

Mrs. Keller: How tall.

Mr. Keller: If we put in small ones they will grow.

Mr. Wilson: Some sort of natural buffer between pool and road. Specifics are concerned – any suggestion?

Ms Najac: Not necessarily against the pool?

Ms Sullivan: 4 feet.

Mr. Keller: We are looking at either a 52 or 54 inch high.

Mr. Wilson: Shrub line at height of the pool, would you be willing to amend your application to that?

Mr. Keller: Sure.

Mr. Wilson: If they put the pool in the back yard, they would have no access to the pool without going around the front of the building to the pool and put it closer to Murray Road than it is at now. Its just one of those properties.

Mr. Wilson: I Move to close the Public Hearing at 8:50pm; Seconded; All in favor; Motion carried.

Mr. Wilson: I Move to grant the following variances: 1) front yard set 40 to 20ft; 2) area 3 acres to 2 acres; 3) pool to be placed in front of the primary structure; subject that natural buffer be to the height of the pool; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 5 Petelinz, Sullivan, Najac, Dunn, Wilson
Opposed (nay) 0

DECISION:

Mr. Wilson: The variances are granted and good for 6 months. If you need more time, be sure to ask for an extension before that time. You have a variance for the deck and you'll need to go the building department for the deck permit and pool.

Mrs. Keller: The pool is going in first and the deck not necessarily at the same time.

Mr. Wilson: As long as you stay in the variances you were granted today you are far, no farther than 20 feet., you are fine.

Mrs. Keller: We don't need to get the deck in the next six months.

Mr. Wilson: As long as when you are done you are not beyond that 20 feet you are fine in the variances.

Mrs. Keller: I am talking time frame.

Mr. Wilson: As far as the deck.

J. Owen, Esq. : As long as you starting the building of the pool.

Mr. Dunn: The footings for the deck – you are started.

Mr. Keller: We can use the pool even if we don't have the deck finished?

Mr. Dunn: Once you get the CO from the Building Department.

Mr. Wilson: You can always ask for an extension in 6 months.

Joan L. Bartow, Living Trust and
Arthur W. Bartow, Living Trust

Request for a variance of 249-22 (area):
1. side yard from 20ft to 9.0ft;
Property located at 15 Woodlawn Avenue
(74-2-6.1)
Designated R-1

Mr. Wilson: The mailings were reviewed by the Board and filed for the Record. The Public Hearing Notice was read at 8:55 pm.

Mr. Wilson: I Move to open the Public Hearing at 8:56 pm.

Arthur Bartow: there was an existing pool and over course of winter, water got into the low level and it was my intent to put in new liner and when people looked at it they said no, because of the holes, it had gone through bottom, not put in new liner and would require new pool. That is where the pool came from. When I put in a request about that, the lady that I was talking to, also include the storage shed on the back of the property that was replaced.

Mr. Wilson: How far is the shed off the back of the property?

Mr. Bartow: Of the back, it is about 5 feet.

Ms Najac: You are doing no work to the shed?

Mr. Bartow: No. The shed was originally 10ft x 10ft, and now it is 10 ft x 12ft. it is till back on the same footing/pad, only 2 foot sticks over what was the grass.

Mr. Wilson: You don't need a variance for the shed and set back is 2 feet from the rear line.

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

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

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

Mr. Wilson: I Move to grant the following variances: 1) side yard from 20ft to 9.0; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye) 5 Petelinz, Sullivan, Najac, Dunn, Wilson
Opposed (nay) 0

DECISION:

Mr. Wilson: The variance is granted. If you don't get started in six months, please contact us before that time to request an extension.

Mr. Keller: Thank you.

HEARING REVIEWS: (August 10, 2009)

John Cortez:

Mr. Wilson: Tell us what

Mr. Cortez: Set back on side of property from 20 to 10ft to construct a deck 280 feet of the existing side of the house. There is a pre-existing door that went to a pre-fab concrete stair set which I removed about 5 years ago. Have not gotten around to building a deck yet.

Mr. Wilson: It is 12 x 20 foot deck?

Mr. Cortez: Yes: 240 square.

Mr. Wilson: What was the size of old deck?

Mr. Cortez: No deck, pre-fab form stair that would conform to existing code of 20 feet and I am 23.9 from property line. Put in as second entrance into the kitchen, I guess. Never a deck there at least to my kitchen.

Mr. Wilson: I Move to hold a Public Hearing for August 10, 2009 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Wilson: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the week. Take that notice, copy it and mail it to everyone on the list at least 15 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

Lite Brite Signs (National Realty & Development Corp / Party City)

Applicant (Carmine).

Mr. Wilson: Tell us what you want, please.

Applicant: I am here on behalf of Party City and only allowed 400 sq/ft and they want a variance on square footage sign.

Mr. Wilson: What is it going to?

Applicant: 192.4 is what they are asking for. It is a lot, but they have a tag line 'discount party super store', and want to put it under their sign.

Ms Sullivan: Where?

Applicant: It is at the Orange Plaza.

Ms Sullivan: Across the street from the one on Rt 211?

Applicant: No, they are moving behind Walmart,

Mr. Wilson: New sign.

Applicant: A lot of people share the fences. They have their own section from pole to pole and would not look too out of place or anything.

Ms Petelinz: Are you by Ulta, Panara Bread?

Applicant: Behind that, below.

Mr. Wilson: What store is next to that?

Applicant: Kohls. They are going to be moving.

J. Owen, Esq.: What is there now? What are they taking the place of?

Applicant: I am not sure, is that Marshalls? I don't know. Maybe TJMaxx.. It is a big area they are taking. They have quite a big store.

Ms Sullivan: Do you have to take something down in order to do this? You want to put the sign up in 2 spots.

Applicant: Take down what is there now if there is anything.

Ms Sullivan: They have large frontage of signage there. Know size of 211 sign?

Applicant: I don't. I can find all of that out before I come. I believe 2 foot letters with party line underneath that. Definitely not this big.

Mr. Wilson: The tuxedo place (Men's Warehouse). We can see what we gave them.

Mr. Dunn: the size sign looks like what?

Applicant: I have Party City that has their logo that kind of meets their requirements. It is right there at 100 and... by adding that line, you are actually - we're counting for space in

between too, that is how we measure the signs. They have rendering here taking down the width to 28feet giving us 177 sq/ft. I am trying to help them out.

Mr. Wilson: What is the big difference when you bring that wit them? Are you squeezing the letters together? Let me see that, please

Applicant: We have a 28 ft here...we are looking at less of a... Plan B we'll call it. They approached us with the 30ft 1.

Mr. Wilson: We will take a look at it and see what's there. This is the 177 sq/ft one here?

Applicant: I figured that one out tonight. The tag line adds a lot and they are 14 inch letters.

Mr. Wilson: You measure from outer most point.

Applicant: That is the brand name: 'super discount party store'

Ms Sullivan: Originally asked for 192 ft and maybe down to 177.

Applicant: We are willing to do what we can to help our customers. Whatever the Board feels is right. We realize the 192 is quite a bit and willing to do what ever we can do.

Mr. Wilson

Mr. Dunn: This is the 3rd sign – the mattress place over there who wanted to increase their's and who is next.

Mr. Wilson: We had the Tuxedo place and this one.

Ms Sullivan: If everyone puts up these big signs you won't be able to see any one after a while.

Ms Najac: Can you amend the number of words.

Applicant: The Code is one foot per linear foot. Some people don't have the liner footage.

Mr. Wilson: I Move to hold a Public Hearing on August 10, 2009 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Wilson: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the week. Take that notice, copy it and mail it to everyone on the list at least 15 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with

you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

Karl Winum:

Mr. Wilson: We have received a request for a re-scheduling of a public hearing for Karl Winum. The application was reviewed by the Board and was scheduled for a Public Hearing. The notice will be republished at the applicant's expense for August 10, 2009.

MEETING CLOSE:

Mr. Wilson: There being no further items to be presented to the Board, I Move to close the Meeting at 9:10pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALL ZONING BOARD OF APPEAL

DECISION SHEET

JULY 12, 2009

Martin E. Kuhl

Request for a use variance (249-22):
1. to permit 2 additional apartments
Property located at 512/514 Highland Avenue Ext.
(36-2-40.1)
Designated ENT.

CONTINUE to August 10, 2009

Frank Stritmater:

Request for a variance of 249-22-(D):
1. 2 side yards from 20ft to 13.5ft;
2. both side yards from 40ft to 27ft;
3. lot depth from 125ft to 120ft;
4. area from 18,750 sq/ft to 9,000 sq/ft;
5. lot width from 100ft to 75ft
Property located at 30 Belmont Avenue
(75-6-4.2)
Designated R-1

DECISION: Variances granted

Hanley Sign Company
CRH Realty II, LLC)

Request for a sign variance
1. from 225 sq/ft to 350 sq/ft
Property located at 95 Crystal Run Road
(60-1-52.22)
Designated O/R

CROTTY ROAD, LLC:

Request for an interpretation for pre-existing non-conforming use be continued as manufacture/warehouse
Property located at 135 Crotty Road
60-1-2-1.2
Designated O/R

DECISION: The property (60-1-2-1.2):

Interpretation that the pre existing uses are non-conforming based on a continuous and un-interrupted use as a manufacturing warehouse.

William and Nancy Keller

Request for a variance of 249-19(D) (area)
1. front yard set back from 40ft to 20ft;
2. area from 3.0 acres to 2.0 acres;
3. pool be placed in front of the primary residence
Property located at 201 Reinhardt Road
(62-1-33)
Designated RA.

DECISION: Variances granted, subject to,

Installation of a natural buffer (shrub) between the pool and the road to the height of the pool

SIX MONTH EXTENSION:

Leslie Rogers Newman
(M&M Road):

Request for a six month extension for variance granted on January 14, 2008, of 249-20(12)(1) (front yard set back) on an existing non-conforming lot, extended July 2008;
1) front yard from 150ft to 100ft;
Property located on M&M Road
(14-1-11)
Designated R-2.

Subject to, no further variances being granted on this lot; and building set backs;

DECISION: Six month extension granted.

Quick Chek

Request for a six month extension on variances granted 1/12/09 of 249-8(a):
1. accessory building (canopy) closer to the road than the front of the main building.
2. sign variances as stipulated on the application
Property locate at East Main Street (601 Dunning Road)
(78-1-94)
Designated OR

DECISION: Six month extension granted

Greenwood Realty Co./
Richard Cappelluzzo:

Request for a variance of 249-20(D)(1) for:
Lot area, width and frontage:

Area: Lot #1 from 1.5 acres to 0.49 acres
 Lot #2 from 1.5 acres to 0.47 acres
 Lot #3 from 1.5 acres to 0.45 acres
 Lot #4 from 1.5 acres to 0.43 acres
 Lot #5 from 1.5 acres to 0.77 acres
 Lot #6 from 1.5 acres to 0.82 acres

Lot width: Lot #1 from 150ft to 125.86 ft
 Lot #2 from 150ft to 106.0 ft
 Lot #3 from 150ft to 106.0 ft
 Lot #4 from 150ft to 106.0 ft
 Lot #5 from 150ft to 105.0 ft
 Lot #6 from 150ft to 105.0 ft

Lot frontage: Lot #1 from 150ft to 125.16 ft
Lot #2 from 150ft to 106.0 ft
Lot #3 from 150ft to 106.0 ft
Lot #4 from 150ft to 106.0 ft
Lot #5 from 150ft to 105.0 ft
Lot #6 from 150ft to 105.01 ft

For construction of six (6) houses
Property located at 582 and 588 Silver Lake Scotchtown
Road
(82-2-1.1) (81-2-1.2)
Designated R-2

DECISION: Six month extension granted

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PUBLIC HEARING NOTICES:

**TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE**

Notice is hereby given that a Public Hearing of the Zoning Board of Appeals of the Town of Wallkill, Orange County, New York will be held at the Town Hall, 99 Tower Drive – Building A, Middletown, New York on the 10th day of August, 2009, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

John Cortez, 29 Miller Heights Road, Middletown, New York, 10940 for a variance of 249-20(D) (side yard) for the property of John Cortez, 29 Miller Heights Road, Middletown, New York 10940. Property (71-2-41) located at 29 Miller Heights Road, Middletown, New York 10940 and designated R-2.

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

Stanley Wilson
Zoning Board of Appeals

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing of the Zoning Board of Appeals of the Town of Wallkill, Orange County, New York will be held at the Town Hall, 99 Tower Drive – Building A, Middletown, New York on the 10th day of August, 2009, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Lite Brite Signs, 51 Montgomery Street, Middletown, New York, 10940 for a variance of 249-11 (sign) for the property of National Realty & Development Corporation, Three Manhattanville Road, Purchase, New York 10577. Property (50-2-63) located at Party City, Suite #4, 470 RT 211 East, Middletown, New York 10940 and designated TC.

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

Stanley Wilson
Zoning Board of Appeals

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing of the Zoning Board of Appeals of the Town of Wallkill, Orange County, New York will be held at the Town Hall, 99 Tower Drive – Building A, Middletown, New York on the 10th day of August, 2009, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Karl Winum, 1394 Goshen Turnpike, Middletown, New York, 10940 for a use variance for the property of Karl Winum, 1394 Goshen Turnpike, Middletown, New York 10940. Property (24-1-15.2) located at 29 Miller Heights Road, Middletown, New York 10940 and designated R-2.

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

Stanley Wilson
Zoning Board of Appeals