

TOWN OF WALLKILL ZONING BOARD OF APPEALS

MEETING MINUTES

-

AUGUST 8, 2005

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

J. Owen, Esq.

MEETING OPENING:

The August 8, 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 July 11, 2005 meeting minutes.

The Motion was made to accept the Minutes as written; Seconded; All in favor; Motion carried.

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

CORRESPONDENCE

Fairways: Request 2<sup>nd</sup> extension in 9/04 and 2/5 thru 9/2005 they have worked in due diligence and map consolidation filed. (attachment).

Mr. Mattatall: Motion to extend a 6 month extension; Seconded (Raffo); All in favor; Motion carried.

CONTINUANCE:

JIM RAMANO: Request for the following variances:

- 1) Rear yard (249-29-D-2a):
- 2) Rear yard set back (249-29-D-2a)
- 3) Landscape (249-28-3 (a,b))

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

Dr. Ramano, Daniel Yanosh:

Mr. Mattatall: Request information from Fire company who requested more room in the rear.

D. Yanosh: I got a phone message today to contact him (fire department personnel) and he was in training in Goshen. He had issue with the 8 foot rear yard set back. In my opinion if you give the 8 foot and the Planning Board (PB) and fire company says 10 or 12ft and we can go with what they want us to do. The other option is to continue until we hear from him but we will have to comply with what he and the Planning Board wants.

Mr. Mattatall: Any comments?

Mrs. Thompson: I would like to wait for the fire department's input.

Mr. Mattatall: I agree that we wait. We will have it clear for what they want in the future.

Mr. Mattatall: This will be continued at the September 12, 2005 meeting.

## PUBLIC HEARINGS

BERNARD C. ROUMOY: Request for a variance of 249-23-D:  
1) Side yard from 15ft to 11ft;  
Property located at 114 Belmont Avenue  
(SEC 76 BL 5 LOT 13); Designated R-1.

The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:43 pm.

Mr. Mattatall: I Move to open the Public Hearing at 7:44pm.

Mr. Mattatall: Please present your application.

Mr. Roumoy: I would like an extension on the deck and it was too close to the property line.

Mr. Mattatall: The purpose?

Mr. Roumoy: For the sun room in the back and it is for a ramp connecting to the sun room.

Ms. Guenste: Does he need a variance in the back? Even though the deck is same layout as the sunroom?

Mr. Mattatall: How far is sun room from the rear line?

Mr. Roumoy: It is 30 feet.

Mrs. Thompson: Is it there already?

Mr. Roumoy: Yes.

Ms Guenste: I am looking at it as a technicality – if he needs it. The rear is 30 there.

Mr. Mattatall: It is not extending it.

Ms Guenste: I don't want him to build and have a problem.

Mr. Mattatall: You have permit for the sunroom?

Mrs. Roumoy: Yes, a company did it.

Mr. Mattatall: That would have been done with the building permit process.

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 7:47 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant a side yard variance from 15ft to 11ft; Seconded.

DISCUSSION: (none)

VOTE:	In favor (aye) (6)	Morgan, Raffo, Guenste, Johnson, Thompson, Mattatall
	Abstain (1)	Sullivan
	Opposed (nay)	0

DECISION:

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

JOHN RAZZANO

Request for a variance of 249-22-D:

1. Side yard from 15ft to 12.5ft;
2. Side yard from 15ft to 12.5ft;
3. 2 side yards from 30ft to 25ft;
4. Lot width from 80ft to 50ft; and
5. Area from 12, 500 sq/ft to 10,000 sq/ft.

Property located on Brookline Avenue  
(SEC 75 BL 5 LOT 20); Designated R-1.

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

Mr. Mattatall: I Move to open the Public Hearing at 7:50 pm.

Mr. Razzano: We own 50x200 ft lot and want to build a single family new home.

Mr. Mattatall; You need 5 set backs on this property. Are there any comments from the Board?

Mrs. Thompson: He has 2 lots and I don't know why the lots can't be combined and then he will not need the variances.

Mr. Razzano: The adjoining lots (gave out drawings)... there are 8 houses next to it that have been given variances and on the same sized lots. The Town has regularly given variances and it is 200 feet deep and again 8 others in a row adjoining these.

Mrs. Thompson: They were there as one lot and you have 2 lots and you can improve the area by joining them.

Mr. Razzano: Someone did build on similar size lots – 10 years ago or such and got variances.

Ms Guenste: You have 27x40 feet is that size you show in the photo.

Mr. Razzano: Not sideways – a bi-level.

Ms Guenste: You have built smaller in the area that fits better in the lots. My brother lives in Fairfax Avenue and don't like the sideways bi-level. It is 26 feet with the deck on the back as do other houses we have built. We have designed something that fits on the lots. How wide are the other homes? They looked smaller than 27 more like 24ft.

Mr. Razzano: They are 26 and the others are relatively new.

Ms Guenste: Can you make this smaller – 24 feet is narrow but is giving the 2 feet?

Mr. Razanno: We have plans for a 26 foot house that has some play and the others are about that size but if you want to see something we can. The lot does have depth to make it longer.

Mr. Mattatall: Two variances are given by the lot and the house you can change. You have too wide a house on the property.

Mr. Razzano: We have done this on 50 foot wide before.

Mr. Mattatall: We are trying to work with the Code.

Mr. Razzano: We can.

Ms Guenste: If at 24ft you don't need one side variance. They are all small lots there.

Mr. Mattatall: You need certain room for emergency apparatus and utilities which is an issue. I can't tell you how big to do it.

Mr. Morgan: Would you be more comfortable with 2 – 13 instead of one 10?

Ms Guenste: They are all 50 foot lots and if start going to big houses in the middle of them that takes away the character of what is there.

Mr. Razzano: The survey shows adjoining houses and ours are comparable.

Mr. Mattatall: We don't have those.

Mr. Razzano: I gave them in and they were checked in.

(they looked at the one drawing).

Mr. Mattatall: You are asking for the variance in total – you have a narrower section on the opposite from where you are building?

Mr. Razzano: Center them on the lots?

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

Mrs. Thompson: We have requested that – combine the lots – from people before.

J. Owen, Esq.: We have requested that of people before.

Mr. Mattatall: I don't see need to join the lots they are all the same size, the law was changed so they did not sub divide them. You'd have a big house among smaller houses. Can they be centered?

Mr. Razzano: The personal thing is to build a nice house with a garage and the garage hides clutter and without it is all over the lot. Maybe 25? The drawing is 26 and gives extra foot on each one. I can get it down – I want to keep garage because it's an asset.

Mr. Mattatall: How big with garage?

Mr. Razzano: 25 feet. Do you want it centered?

Mr. Matttall: Yes 12.5 on each side.

Mr. Razaano: I need to amend the application (he did so and signed file copy).





HERBERT & ARLEEN SNYDER: Request for a variance of 249-19-D:  
1. Area from 2 acres to 0.34acres;  
2. Lot width from 200ft to 100ft;  
3. Lot depth from 300ft to 150ft;  
4. Side yard from 40ft to 18.56ft;  
5. Side yard from 40ft to 29.44ft;  
6. Front yard set back from 60ft to 36.25ft;  
Property located at 30 Ora Park Circle  
SEC 2 BL 1 LOT 6); Designated RA.

Mrs. Thompson: The mailings were reviewed by the board and filed by the Secretary. The Public Hearing Notice was read at 8:08 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:09 pm.

Mrs. Snyder; We want to remove the existing trailer and replace it with a ranch modular – same length and 24 width.

Mr. Mattatall: This is already a double lot width there?

Mr. Snyder: Yes.

Mr. Mattatall: Any questions from the Board?

Mrs. Thompson: I see no problem with this.

Mr. Morgan: It is an improvement.

Mr. Mattatall: It will be an asset.

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

Mr. Mattatall: I Move to close the Public Hearing at 8:10 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall; I Move to grant the following variances: 1) Lot depth from 300ft to 150ft; 2) side yard from 40ft to 18.5ft; 3) side yard from 40ft to 29.44ft; 4) area from 2 acres to 0.34 acres; 5) width from 200ft to 100ft; and, 6) front yard from 60ft to 36.25ft; Seconded.

DISCUSSION: (None)

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

DECISION:

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

THOMAS J.  
& KATHRYN STAPLES: Request for a variance of 249-22-D:

(side and rear yard setbacks)

1. Side yard from 15ft to 12ft;
2. Side yard from 15ft to 14ft;
3. Rear yard from 30ft to 11ft;

For construction of a deck;

Property located at Eight Clark Street  
(SEC 52 BL 4 LOT 6); Designated R-1

Mrs. Thompson: The mailings were reviewed by the board and filed by the Secretary. The Public Hearing Notice was read at 8:11 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:12 pm.

Mr. Staples: We want to put a deck on the back of the house.

Mr. Mattatall: Any questions from the Board?

Mrs. Thompson: What about the shed in the back – it goes on other piece of property doesn't it?

Mrs. Staples: That shed was there when we bought the property.

Mr. Mattatall: It was not built after the fact.

Mrs. Staples: We got a permit after we refinanced and found out there was no permit.

Ms Guenste: You moved it to middle of the back yard. This is an old survey.

Mr. Johnson: It is not there.

Mr. Mattatall: Any questions from the Public?

Marcus Miller: Just wanted to know why were notified. One question – on the side (showed them on the map) that was the only question.

Mrs. Staples: It is straight back.

Mrs. Miller: We are right next door.

Mr. Mattatall: It will not impinge on your property from what you see there?

Mr. Miller: No.

Mr. Mattatall: I Move to close the Public Hearing at 8:14 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances: 1) Side yard from 15ft to 12ft; 2) 15ft to 14ft; 3) rear yard from 30ft to 11ft; Seconded.

DISCUSSION: (None)

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

DECISION:

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

HEARING REVIEWS (September 12, 2005):

SCOTT ZIMELIS:

Scott Zimelis: I just got these copies from D. Yanosh – I will get you 2 extra copies for a total of 9.

Mr. Mattatall: This was previously granted.

Scott Zimelis: It is not a 2 story dwelling. It is to put a ranch or higher pitched roof for a cape. Not a high ranch and inconsistent with the neighborhood. He left it on. No problem making that a condition.

Ms Guenste: It is a 50 foot lot with 28 foot house. Any way to get it down as you saw with the previous applicant – not so big?

Scott Zimelis: Mr. Yanosh kept it consistent. I don't think that bothers me one way or the other. The lot divides – lot depression in the middle and slopes from the front. Walk in basement in the back with a 10 foot foundation and first floor be above that and an additional walk up cape. Value for the dollar put in higher pitched roof – young couple with kids I don't know. I can work with that.

Ms Guenste: More towards the 25 feet with room on the sides. You have 10 on the side.

Scott Zimelis: Smaller by a couple of feet.

Ms Guesnte: That is my opinion and can't speak for the others.

Mr. Mattatall: 15 to 10 feet side yard is substantial.

Ms Raffo: 13 and 12 is half the lot size.

Mr. Morgan: 25 feet is odd – 2 feet multiples.

Ms Guenste: 24 feet if in even multiples rather than 25.

Mr. Matatall: I need a definitive what you want the foot print to be?

Scott Zimelis: If you tell us what you want it to be we will do it that way. If you will be happy to grant it if noting longer than 25 feet I'll do it and go back to Dan Yanosh.

Mr. Mattatall: I can't tell you what you can do – and some factors come into play. I can't tell you to cut it one foot shorter. There are many options for you within the foot print.

Scott Zimelis: I'll address your concerns.

Ms Guenste: You started talking about a basement – look that houses have had problem with flooding out there. We don't want you to have that.

Mr. Mattatall: I Move to hold a Public Hearing on September 12, 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 KRUSECK

Mr. Kruseck: Looking for a variance for a set back, we have 53 on the existing home and want to add – we have 70 in the front.

Mr. Mattatall: You only need it for the back yard. It is for an existing mobile home that is there. It does not affect front yard set back.

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

Mr. Mattatall: I Move to hold a Public Hearing on September 12, 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.

E. TETZ & SONS, INC.:

Mr. Mattatall: 2 variances on this – and possible interpretation.

Rosemary Stack, Esq. Jim Ullrich, Alpine Co.

R. Stack, Esq.: There are 3 interpretations we would like you to look at:

- 1) Equipment variances for height variances if it applies to component of the plant. This speaks to 35 feet limitation – normally it was for ordinances for fire apparatus when they could not reach higher than 35ft and components is equipment which under interpretation of the asphalt plant. Request for you to look at that issue and if the equipment actually needs to comply with height.
- 2) This is cemetery law – there are 2 issues to look at 1) 249-8.1c which provides for encroachment requirements for 100 feet that no structure or excavation can be done within 300 feet of a burial site; and 2) states that the permits and approval referred to by

the Planning Board (PB) if within 200 feet of cemetery: if, because the PB, who gives site plan approval, if it would comply with the ordinance or is a complete prohibition of a structure in 200 feet.

- 3) There is no definition of the excavation in the ordinance. Cemetery added it in 2002 and there is no wording for excavation. We have been informed from people in the Town and it is interpreted by some that if it applies to road cuts - essentially what we need is a variance to grade access roads and develop into where the plant is going to be located.

We are looking for excavation explanation – the intent and addition of cemetery law was digging up graves within 100 feet. It was a mining site and area confines of site have been excavate and did so to 25 feet. The area to affect was previously excavated area. Other portions for road grading is within 100 feet of the cemetery and is the only feasible access. Most of the grade is to widen access roads which would be widened away from the cemetery and road cut to improve the site. Mining is excavating or is it something insubstantial as a few inches or feet for grading.

That basically covers the interpretation request. We have a presentation for the variance request so you have an understanding. Mr. Ullrich will take you thru the plan that you have copy of and why the layout is the way it is and tie into the factors to what the Board looks at for 249-8.1 and briefly go into area variance for height limitation and how we meet Town laws for that. Mr. Layola has visual simulations how it appears from off site..

Mr. Mattaall: I have some questions to ask first – and this is a review. The first issue is to show the Board the road(s) and then work your way in. You have a road, an existing excavated site out there – where they dug before and how that relates to the cemetery.

Mr. Ullrich: The existing site is on Cemetery Road and south of the existing cemetery. It is a developed entrance and with improvements it is only feasible entrance and is generally level and rises 18 feet from Cemetery Road and we will have to do some grading modifications. This area (map) does not have good grade access. The changes we are seeking is within Town right of way and Tetz is to give adequate site distance for asphalt and adequate width for emergency vehicles that has to come up under site review. That is the issue with the access road. The road width is away from the cemetery. It is fully developed not to the property line.

As you come into the site (drawing), the access road to the site is within 100 feet set back – that is not simple answer as to why. Essentially from here (drawing) is water management – processed and must be on lowest part of the site and have to have a pump to bring the processed water back. Processed plant is close to the water plant to be efficient and run off control can be managed. Processing equipment is noisiest and in deepest hole on the site and leaves balance for 3 remaining uses – concrete, shop and asphalt plant. The asphalt plant is second noisiest and to meet your requirements it will have to be below surrounding cuts of the existing mine. They have safe truck access have to decent 6 per cent grade and to get 200 feet to load trucks under the silos. The location of plant and work is within 100 feet – access road and noise berm – the only place to meet our goals and the Town for noise suppression.

The height requirement s- no reasonable alternative to upright storage silos of 72 feet – no way around that and that is where we are with that. We have list of lesser pieces that are 40 feet that also exceed. With concrete is the only way to store with an up right with a bag drop on top and no alternative to that type of design as you see if you drive by plant now. Those are what draws what we need for relief.

Mr. Mattatall; Essentially explain.

Ms Guenste: Where is the road (looking at the drawing)? (he showed her)

R. Stack, Esq: I can go thru height in more detail. We want the Board to understand what is going on.

Mr. Mattatall: We need to know where we need to walk when we go out there and it is different to hear it than to see it.

R. Stack, Esq.: It was a mining location for over 20 years. Mr. Tetz can meet you at the site.

R. Stack, Esq: One reason we looked at the site was a litigation proposal on Crotty Road and took it to the Supreme Court and won. Then looked at sites for the location and it is perfect because of the topo and is in a former mining site. And, the topos will shield equipment. It was a site we looked at and unfortunately presented to the PB and Town Board before adoption of the cemetery law and as part of settlement, are moving the concrete here from where it is on Crystal Run Road. Now in that (former) area they are looking for professional offices. This is why site was chosen.

Mr. Mattatall: You were working before cemetery law came into effect?

R. Stack, Esq.: Yes. It was confirmed with the Town as much as 2 weeks ago.

Mr. Mattatall: Do you have it in writing?

R. Stack, Esq.: No.

Mr. Mattatall; You spoke to whom?

Esq.: Mr. Ward – he did not speak for the ZBA and not to apply to access roads.

J. Owen, Esq.: I represent this board as their attorney.

R. Stack, Esq.: The intent is what we are talking about.

Mr. Tetz: That is not exactly the same layout. The silos are in a square so you only see 2 at any angle.

Ms Sullivan: The height is 72 feet?

Mr. Tetz: Yes.

Ms Guenste: How high now?

Mr. Tetz: It is 64 feet now. The asphalt will be 4 feet taller.

R. Stack, Esq.: They are so high because the 12 foot truck needs to get underneath. These are what the manufacturer puts together with this type of plant. Other silos will not make much of a

difference. We will block view of silos and not be key factor here but when you drop height down more trucks and take longer.

Peter (landscape) visual in DEIS and FEIS.

Peter \_\_\_\_\_ (saw visual): we have a schematic and a list of structures. AC storage tanks (picture), more compact and very efficient use of space. We have a tight site here and the equipment is not all spread out even as you see here. You have 44 feet at highest point. The next piece of equipment and difficult to see – primary collector and it is 50 feet from the top to bottom and the next structure is bag house and duct work – this is for air suppression and a bag house for air suppression and is total of 57 feet. Dust removal is air suppression and the actual silo 72 feet and is highest. The schematic is configures inefficient matter.

In addition to concrete facility. we wanted to get to pictures and we were charged with Alpine Construction – to do field assessments of heights at 68 feet and 72 feet and this is result of the 4 areas – worse case scenarios of what you will see (power point) from Cemetery Road and the proposed without any mitigation. Again the visual reference for height – you can see – stacks at 72 feet and significant grade that is natural at 4-20 and trees at 60 feet and not see anything above the trees and see 25 feet thru existing vegetation that we will enhance. You need to see in contest of existing. Not in your face an visible from all sites.

The next one is a berm and can see where vegetation and the height of berm are and when see photo simulation extension of more vegetation we don't see here (power point) see clearly with few 8 – 10 feet evergreen mitigate tower view. Orientation of Cemetery Road – higher elevation proper to view and drop to a 420 pit. Add the berm and vegetation easily. Not shown on site plan – with berm and plant species that see in cemetery and back drop to horizon line as enclosure to the cemetery as opposed to see thru. The berm is a natural planting and natural buffer for the facility. This is worse case and summer hard to see ever greens (power point) this is from Midway Road (power point) and Veterans Memorial and see flag pole a=flying the balloons is at 72 feet height.

Ms Guesnte: Where is the road in construction to this?

Mr. Ullrich: Way up to the left.

R. Stack, Esq. : These simulations – the silos you are seeing is difficult to see the balloons on power point and clearly up close you can see balloon and heights 4 in each case flown. Get reference of height and then this is without mitigation and berming (power point) with first row of defense with ever green and at horizon line drop down 4:30 elevation to 4:40 to 4:50 and back up to 4:20 and height will not complete mitigate but add deciduous (trees) and 8 foot trees to mitigate it very quickly. View is looking up at the site and planted couple of evergreens and job and fill in some of discrepancies.

R. Stack, Esq. : That is where 8-10 feet trees grow to 50 feet and completely shield.

Plant: The site is low and not even infringe over horizon line with total height – with worse case situation with vegetation mitigate views and not disturb the character. If you walk into the cemetery we are at highest elevation and the view is up a lot higher and more enclose in this situation. Not see silos from this situation.

Ms Guenste: What about in the Winter?

Plant: There will be evergreen material – this is early spring with early budding.

Mr. Ullrich: In the 3<sup>rd</sup> week in April – leaves were not out.

Plant: Minimal height even though 72 foot structure and that is appropriate. This is view from 17W existing (power point) west bound and hard to read the facility is in here and black dots in the simulation we need to clean up and not a structure or anything. These views from this location with any vegetation is difficult to mitigate with evergreens but lot of vegetation between this and fleeting glimpse and not tower standing up but in middle ground of the area.

From Crystal Run Road – one location there is the proposed where we have encroaching over middle ground vegetation – no evergreen and not mitigation other than summertime – we can mitigate by possible black tops of the silos and colour natural earth tones in wintertime. There is white in there and the street light and is over edited – not see thru vegetation not try to hide anything. Worse case scenario. Not a towering cell tower and within context of horizon. This is PID view with no height restrictions. There are buildings well within what you will see in bounds of this.

Mr. Mattatall: With the PH you will need to address the noise issues. And will be asked by public, i.e .truck traffic and look at all issues. You are dealing with a large project.

Mr. Ullrich: When you look at DEIS and we did traffic and noise studies and have the right answers. You have not had time to look at that and we have been doing this for 3 years. I

R. Stack, Esq.: Part of the PB's presentations and FEIS addressed the questions and have copies of DEIS and mitigation is visual but proposed as noise originally. Comply with ambient and berm is not unsubstantial. 2 noise experts from this area of the field.

Ms Guenste: You said you have been doing this for 3 years but contact 2 years ago.

Ms Sullivan: FEIS answered public and agencies.

Mr. Ullrich: We can provide you with the number of copies you need. DEIS has 3 volumes.

Mr. Mattatall: If we can have 2 copies for the ZBA to check out. Your issues of noise and how affect the sense of serenity of a cemetery.

Mr. Ullrich: The site plan we may go with out there is not all together.

R. Stack, Esq.: We can schedule formal site visits. The site is locked. Mr. Tetz can be reached at 692-4486.

Mr. Mattatall: Suggest you may wish to notify Goshen. We need clarification of the project. We see minimal relief.

Public 1: We need to readdress any correspondence to you?

Mr. Mattatall; We may made a decision that night. It depends on how much we have to look at.

Public 1: If people can't make it they can write a letter and come before 12<sup>th</sup>.

Mr. Mattatall: Yes.

John Cameron: We put in opposition and replies to the FEIS. Can we give you copies of our comments?

Mr. Mattatall: Yes.

Mr. Mattatall: I Move to hold a Public Hearing on September 12, 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.

(10 Minute break)

WAL-MART STORES, INC.

L. Snyder, Esq.: I am here with J Bergman tonight. This is for a secondary function in front of the primary building. At the PB meeting on 6/15 sent us here regarding '249-8-a(5)'.

Ms Guenste: Where it is going?

Mr. Bergman: On North Galleria Drive (looked at map) the rail station and Lowes are here – it is in corner – there an is entrance from the top to Sams Club.

L. Snyder, Esq.: The corner of parking lot is not utilized because it is so far from the store and this is or only Sams Club customers only. It is an extension of their product line. You can activate it with the Sams Club card. We meet all relief except this section. There is no place else to put it so as to not be in front of the store.

J. Bergman: It is only gas and no cash. The building is to house a security person and answer questions and it is a 28x28ft building.

L. Snyder, Esq.: The hours will be the same as the store's.

Mr. Mattatall: I Move to hold a Public Hearing on September 12, 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.

ROBERT-KIM BROOKS:

Mr. Mattatall: You want to expand a deck?

Mr. Brooks: Yes, sir.

Mrs. Thompson: The same size – like the neighbors?

Mr. Brooks: Yes.

Mr. Mattatal; Same to the size?

Mr. Brooks: Yes.

Mrs. Thompson: Only concern is the big drop off.

Mr. Brooks: The landscaper was very expensive and we would only gain 3 more feet. Once an association is established we want to put in a fence and will have to do something. I am worried about long term erosion. I don't know how the hill will stand up. I think we will have to put in a retaining wall to solve the problem.

Ms Guenste: I suggest you start by talking to the Town Board.

Mr. Brooks: The builder, Sandy, said it was going to be level – it is - but very difficult to cut (grass).

Mr. Mattatall: I Move to hold a Public Hearing on September 12, 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.

LEONARDO & CATHERINE M. ALESCI:

Mr. Mattatall: What do you wish to do?

Mr. Alesci: Just to show what the actual proposed building is and set back.

Mrs. Thompson: Do you need a set back?

J. Owen, Esq.: It is 5 feet.

Mr. Alesci: 10 feet from structure and 5 from line.

Mr. Mattatall: You need it for the size.

Ms Guenste: Is there a house back there?

Mr. Alesci: Yes. We'll move into that.

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

Mr. Mattatall: I Move to hold a Public Hearing on September 12, 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.

THERE'S YOUR SIGN-PERMIT:

Mr. Mattatall: I have a note from the building department that we need 11 copies and we received 1.

Mrs. Thompson: It is past Stop and Shop (next to Hollywood Video).

Kathleen Skerritt: Yes. It is for an additional sign for Cheeseburger in Paradise. There is one on Rt 211 and one on Fairgrounds Plaza Drive and when coming from the Plaza by Bank of America you see a blank wall.

Ms Guenste: You want 2 side signs?

Kathleen Skerritt: We have one and there are 2 fronts actually. There is one on Rt 211 and if facing from Rt 211 it will be on right side.

Ms Sullivan: The same size?

Kathleen Skerritt: Yes.

Ms Guenste: When they develop the plaza will you come back for another?

Kathleen Skerritt: No. That is what they one they want now, however. (applicant showed drawing with sign proposed location).

Mrs. Thompson: Please send the correct number by first of September.

Kathleen Skerritt: Yes, probably by Friday.

Mr. Mattatall: I Move to hold a Public Hearing on September 12, 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.

DEVON C. SCOTT:

Mr. Mattatall: What is your application for?

Mr. Scott: I brought a picture of my existing house. We want it on the left side. (gave it to the Board).

Mr. Mattatall: It will be 3 or 11 feet from the property line?

Mr. Scott: I want it to be 12 feet wide and have 23.9 on left side of the house if looking at it from the road. 24 feet back..

Mr. Mattatall: I just wanted to make sure. We tell you what you are allowed and what it actually can be.

Mr. Scott: I did a petition to ask the neighbors if they minded.

Mr. Mattatall: Please bring that in next month.

Ms Guenste: It will be 12 feet. It is just a bedroom?

Mr. Scott: Yes for my parents and I am a single parent.

Ms Guenste: Usually has 3 bedrooms upstairs. There are 3 large rooms downstairs?

Mr. Scott: I have a family room and a 2 car garage.

Mr. Mattatall: I Move to hold a Public Hearing on September 12, 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.

DAMARIS & JERRY HEREDIA:

Mr. Heredia: I would like to build a larger deck.

Mr. Mattatall; We have to work this out. Evan Court is where?

Mr. Heredia: Mr. Brooks is next in Scenic Hills.

Mr. Mattatall; The same size deck?

Mr. Heredia: A little larger he has a drop and I don't'.

Ms Guenste: What are the deck dimensions?

Mr. Heredia: 12 x 16ft.

Mrs. Thompson: It is 16 deep and 12 wide?

Mr. Heredia: Yes.

Mr. Mattatall: I Move to hold a Public Hearing on September 12, 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.

MEETING CLOSE:

Mr. Mattatall: There being for further business to be presented to this Board, I Move to close the meeting at 9:47 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL ZONING BOARD OF APPEALS

AUGUST 8, 2005

Decision Sheet

JIM RAMANO Continued for September 12, 2005

BERNARD C. ROUMOY: Request for a variance of 249-23-D  
1. Side yard from 15ft to 11ft;  
Property located at 114 Belmont Avenue  
(SEC 76 BL 5 LOT 13); Designated R-1.

DECISION: Variance granted.

JOHN RAZZANO Request for a variance of 249-22-D:  
1. Side yard from 15ft to 12.5ft;  
2. Side yard from 15ft to 12.5ft;  
3. 2 side yards from 30ft to 25ft;  
4. Lot width from 80ft to 50ft; and  
5. Area from 12, 500 sq/ft to 10,000 sq/ft.  
Property located on Brookline Avenue  
(SEC 75 BL 5 LOT 20); Designated R-1.

DECISION: Variances granted.

JOHN RAZZANO Request for a variance of 294-22-D:  
1. Side yard from 15ft to 12.5ft;  
2. Side yard from 15ft to 12.5ft;  
3. Lot width from 80ft to 50ft;  
4. 2 side yards from 30ft to 25ft; and  
5. Area from 12, 500 sq/ft to 10,000 sq/ft.  
Property located on Brookline Avenue  
(SEC 75 BL 5 LOT 19); Designated R-1.

DECISION: Variances granted.

HERBERT & ARLEEN SNYDER: Request for a variance of 249-19-D:  
1. Area from 2 acres to 0.34acres;  
2. Lot width from 200ft to 100ft;  
3. Lot depth from 300ft to 150ft;  
4. Side yard from 40ft to 18.56ft;  
5. Side yard from 40ft to 29.44ft;  
6. Front yard set back from 60ft to 36.25ft;  
Property located at 30 Ora Park Circle  
(SEC 2 BL 1 LOT 6); Designated RA.

DECISION: Variances granted.

(Continued)

THOMAS J.  
& KATHRYN STAPLES:

Request for a variance of 249-22-D:  
(side and rear yard setbacks)  
1. Side yard from 15ft to 12ft;  
2. Side yard from 15ft to 14ft;  
3. Rear yard from 30ft to 11ft;  
For construction of a deck;  
Property located at Eight Clark Street  
(SEC 52 BL 4 LOT 6); Designated R-1

DECISION: Variances granted

VARIANCE EXTENSIONS:

FAIRWAYS WALLKILL, LLC  
MGD DEVELOPMENT GROUP, LLC

Request for a second six (6) month extension for variances granted  
(see September 13, 2004 Minutes/Decision Sheet) and extended  
on February 14, 2005: associated with 217 residential  
condominium units on property located on Golf Links Road  
(73-1-31.2, 33.2, 33.3); Designated R1.

DECISION: Six (6) month extension granted.