

TOWN OF WALLKILL ZONING BOARD OF APPEAL
AUGUST 13, 2007

TOWN OF WALLKILL ZONING BOARD OF APPEAL
MEETING MINUTES

August 13, 2007

PRESENT:

K. Dunn
N. Guenste
E. Johnson
M. Petelinz
E. Raffo, Chairperson
R. Sullivan
S. Wilson

J. Owen, Esq.

Meeting Opening:

The Meeting opened at 7:38 pm with the roll call and review of the July 9, 2007 Meeting Minutes. The Motion was made to table the Minutes to September 10, 2007; Seconded; All in favor; Motion carried.

The following Hearings were continued, reviewed, heard and voted upon as noted.

Six Month Extension:

Michael Gurda:

Ms Raffo: We have received a request for a six month extension of the variance approved on February 12, 2007.

Ms Raffo: I Move to grant the following six month extension for Michael Gurda: Request for a variance of 249-3 (accessory building): from 28x28ft to 36x28ft; Property located at 346 Bowser Road (36-1-96); Designated R-2; Seconded; All in favor; Motion carried.

Arnold Silver:

Ms Raffo: Request for an additional six month extension to variances extended on 12/11/2006.

Ms Raffo: I Move to grant the following additional six month extensions for: 1) lot width from 200 ft to 100ft; 2) side yard from 40ft to 33ft; 3) side yard from 60ft to 26ft; 4) 2 side yards from 100ft to 59ft; 5) area from 2 acres to 1.78 acres; Property located at 282 Derby Road (21-1-10); Designated RA, subject to the following:

The Certificate of Occupancy not be issued until the debris is cleared; the removal of trees only necessary for the construction, and that the tree lines be preserved; Seconded; All in favor; Motion carried.

CONTINUANCE:

Triple S Land Developers Request for a variance of 249-19 (lot area)
1. area from 3 acres to 1.043 acres
(3-1-118)
Property located at 46 York Road South
Designated RA.

Ms Raffo: This is an application continued from July 9, 2007.

Ms Susan Plass, Leo Carroll Assoc. (surveyor): At the last meeting it was left open because of application concerns. We submitted a new application according to groups and it is a minimum 3 acres. Mr. Johnson asked for site plan and that was done. That was it.

Ms Raffo: Any questions from the Public?

S. Plass: Also there is a lot line change on the map to make a ½ acre to 1 acre.

Ms Raffo: It is 1 acre in 3 acre zoning. A lot line change was done several years ago to make 1 acre. Does he own surrounding property? Is that correct?

S. Plass: To the east yes, I do not know about the rear. If you look on the current tax map, yes, the lot behind this is now a 2.7 acre parcel that alls directly behind this lot.

Ms Raffo: Does he own that?

S. Plass: Yes. Yes, there is a house.

Ms Raffo: What does it include:

S. Plass: He owns the land with the house already

Ms Raffo: Vacant land?

S. Plass: Yes. It is vacant because the trailer was removed.

Ms Raffo: Are there any questions from the Public? (No)

Ms Raffo: Any questions or comments from the Board?

Ms Raffo: I will vote no; he has other choices. He wants 1 acre in 3 acre zoning and there is another choice than to put house on (1) one acre. It is an environmental issue At one time there may have been all sorts of things done - once dumped garbage in the river.

S. Plass: It was ½ acre and it has been doubled and, at the time he does not own the lot. At the time told they were glad he doubled the size. There is no way to increase the size of the lot. Look at the map. There is a house and septic and only 50 feet from the entrance to the lot. There is no other land to get 2 acres to make it conform to 3 acres.

Ms Raffo: He has a house of his own on 2 acres.

S. Plass: Yes, it was once 1 acre increased to 2.

Ms Raffo: 2 lots become conforming to zoning. I think it is detrimental to the environment and bad for the area.

Questions from the Board?

Ms Guenste: When was it subdivided?

S. Plass: 2003.

Ms Guenste: It was 2 acres.

Ms Plass: I don't know. Why is he pushed for that. We went to the Planning Board and told took ½ acre and made 1 acre. It is an approved lot.

Ms Raffo: It is not approved when the zoning does not apply.

S. Plass: He was approved for 3 bedroom house and everything fits within the zoning. We have separation distance for health department. It is 1 acre versus 3 acre. The material is good.

Ms Raffo: It is one third size it needs to be. There may be a lot of 1 acre lots out there.

S. Plass: What are they suppose to do?

Ms Raffo: Other solutions for the applicant.

Ms Guenste: The tax map – could I see it? (she handed it to her). This is current tax map – why did we get a non-current map.

S. Plass: That map you have does not have all the current information.

Mr. Johnson: This lot does not exist any more?

Ms Guenste: He owns this land too?

Ms Guenste: Why do we have out dated map.

S. Plass: I just went down to Goshen to get his. This shows where we are on the parcel and the roads.

Mr. Johnson: You own this piece (looked at the map).

Ms Sullivan: The houses are not built yet?

Ms Plass: They are under construction.

Ms Guenste: This is an area variance, right?

Ms Guenste: I have to look at this and will vote no. We have to look at things for an area variance, and if means can be achieved by other methods.. He can keep the lot as a portion of home he has. Is it undesirable change – allowing one acre will have everyone coming down and we don't have water / sewer. And it is an undesirable change. It is substantial. Zoning is 3 and this is 1. It will have an adverse affect environmentally – people get water from the ground and if over burden have problems. is difficulty self created – ye,s, instead of 3 acre making it 1 acre.

VOTE:

In favor (aye):	0	
Opposed (nay):	6	Petelinz, Dunn, Johnson, Guenste, Sullivan, Raffo

DECISION:

Ms. Raffo: The variance request is denied.

:

Antonio Spadafora

Request for variance of 249-22 (lot area)

1. Front yard from 35ft to 14.8ft
2. side yard from 20ft to 3.7ft
3. lot depth from 125 acres to 120 acres
4. area from 18,750 sq/ft to 12,000 sq/ft
5. use variance

lot area from 18,750 sq/ft to 12,000 sq/ft

Property located at 46 Belmont Avenue

(75 – 6 – 7)

Designated R-1.

Susan Plass, Leo Carroll Assoc.: The Applicant requests a continuance to September 10, 2007.

Ms Raffo: I Move to continue to Public Hearing to September 10, 2007 at 7:30pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

S. Plass: We are looking at some other options since last month.

Ms. Raffo: S. Wilson arrived at the meeting.

HEARING REVIEWS (September 10, 2007)

DIANE L. DAVIS

Ms Davis: I want to make a 10x20 deck in back of my home.

Ms Raffo: The only thing we see for the application is that we need the exact dimensions and what variances you need. I have an application, and you need to tell us where there is a zoning law, i.e. from 20 feet to *xyz feet*, please. We need dimensions drawn on the map. We need it within 14 days. Bring it to the Town Hall.

Ms Raffo: I Move to hold a Public Hearing on September 10, 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: 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 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.

FLUFFY PUPS, INC.

Christine Strommer: We own the property at 2054 Goshen Turnpike and want to expand for boarding and it will then be closer on the left to the neighbor. There are several issues: size 40,000 sq/ft is 21,414 sq/ft; depth 200ft to 138ft; front yard 50ft to 17.2 ft (setback of existing building on to); side yard (left) 20ft to 7.6ft and want to maintain same side yard on addition slightly behind existing.

Ms Raffo: The area variance is needed. That is M1 zoning. Is it a conforming use?

David Wieboldt, Architect: Yes. There is a lot of residential.

Ms Strommer: Only 2 residents there now. It is just down from *Casa Mia*.

Ms Guenste: This is totally different use - 2 uses on one (1) lot?

David Wiiboldt: The classification is 'dog grooming and boarding' so it is one to use.

Ms Strommer: Dog grooming is not listed separately; it is overlooked.

David Wieboldt: This went through the work session without a problem.

Ms Raffo: They are something else. Here is if it is allowable in the area it is zoned in.

Ms Raffo: The grooming is not a concern as it is existing business, the kennel is different.

Ms Guenste: They are asking for 2nd use on the property.

J Owen, Esq.: It is incidental. It is not a second use – it is really one associated use. It looks that they are looking for area variances.

David Wieboldt: Correct.

Ms Guenste: How many dogs do you plan to board?

Ms Strommer: At holidays 20 and no big dogs – not larger than 50 pounds.

Ms Guenste: To have a kennel there you have to have room within a building to keep the 20 dogs.

Ms Strommer: That is in the plans to expand.

Ms Strommer: When people think of grooming and anyone who comes knows it is different – it is a beauty parlor for dogs. Not sure if ny of you have been there. It is a different experience. Kenneling is dark and this will be a hotel for dogs and for owners who want them pampered.

J. Owen, Esq.: Will someone be living there?

Ms Strommer: No, we will have someone there 24/7.

Ms Raffo: You have to understand 20 dogs can be a lot of noise and having someone there may make a difference.

Ms Raffo: Any other questions? (no)

Ms Raffo: I Move to hold a Public Hearing on September 10, 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: 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 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.

Ms Guenste: Can you also give us a sketch showing where cages will be in the building.

Ms Strommer: There won't be any cages.

David Wieboldt: (Showed her the salon and boarding are).

Ms Guenste: It has to be permanently screened from all surrounding property – tell us how you will do that also.

David Wieboldt: If the dogs are boarded inside?

Ms Guenste: Look at the Section.

Mr. Strommer: We are open Tuesday through Saturday if you can stop by and give you hours of operation and welcome you to come in and get flavor what it's all about. 8-5 or 6 or 7.

LEWIS SIGN CO. (RAMAPO CATSKILL LIBRARY)

Lewis Sign: We (Ramapo Catskill Library) have existing sign that is about 25+ years old and identified the library system all that time and have a new logo they want to put out there and find them and give them a presence. The property line, which puts us too close, does not meet set back. Variance on the set back. The new sign in same place as the existing. It is a free-standing.

Applicant: Because of the trees on the street side it is difficult to see until past it. People come to building from outside area and see them go by each way and then come back.

Mr. Wilson: What is the size of the existing?

Lewis Sign: 2 x 4ft now. The new is 3 x 6ft and 9 inch rider to put 911 number on it.

Ms Guenste: the sign is what color?

Applicant: Yellow to match the new logo (showed them on the card). It will be a 3 d sign and letters are lifted.

Lewis Sign: 3ft tall and 6 feet wide.

Mr. Wilson: Will there be additional lighting?

Applicant: There is lighting there now but it has not been operational for a long time. We rediscovered it. We are day operation other than board meeting once a month / 10 months. We are shut down by 4 or 5 o'clock every day.

Ms Raffo: I Move to hold a Public Hearing on September 10, 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: 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 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.

DENISE STRALEY, VINYL TECH (Jeannie B. Mills)

Vinyl Tech (Miss Mills):

Ms. Raffo: Do you have exact measurements and variances. You have an application without this information?

Vinyl Tech: 3 season enclosure on side of the house. You have seen them around town. It will be a new deck and enclosure.

Ms Raffo: A new deck or proposed sun room.

Ms Petelinz: The deck has not been built?

Vinyl Tech: No. They will be built at the same time (deck / sun room).

Ms Raffo: Any questions from the Board?

Mr. Wilson: The sun room, will it be an enclosed deck with heat and electric?

Vinyl Tech: No heat, opportunity for electric but not proposed at this time.

Ms Raffo: You are looking for front yard from 40ft 30ft; area 18,750 to 8450 sq/ft for an 11 x 15ft sun room.

Ms Raffo: I Move to hold a Public Hearing on September 10, 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: 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 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.

JAMES A. FISCHER (Roger Ferris)

R. Ferris: We are asking for side yard for building and landscape buffer variances for same side. The plan shows the set backs and taken photos of the property to help you identify.

Ms Raffo: Regarding parking - is that existing?

Roger Ferris: It is all existing – all that is shown except for 2 spaces in the back. Like to put the building where drive currently sits and closer to property line so can circle building.

Ms Guenste: Curious – how close is the building on the other side – the building is right there (looked at the map) this is square building.

Roger Ferris: 2.5 feet off and it is a garage. New driveway comes across and want to keep our drive clear. There is photo of this garage (looked at photos).

Ms Guenste: It is all commercial up there, i.e. a nail salon.

Mr. Wilson: Is the proposed additional square footage still have adequate parking?

Roger Ferris: Yes.

Applicant: It is for an emergency veterinary service.

Ms Raffo: I Move to hold a Public Hearing on September 10, 2007 at 7:30pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: 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 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.

TOWN OF WALLKILL ZONING BOARD OF APPEAL
AUGUST 13, 2007

MEETING CLOSE:

Ms Raffo: There being no further items to be discussed, I Move to close the August meeting at 8:39 PM; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WLLKILL ZONING BOARD OF APPEALS
DECISION SHEET
AUGUST 13, 2007

PUBLIC HEARINGS:

Triple S Land Developers Request for a variance of 249-19 (lot area)
1. area from 3 acres to 1.043 acres
(3-1-118)
Property located at 46 York Road South
Designated RA.

DECISION: Variance denied.

Antonio Spadafora Request for variance of 249-22 (lot area)
1. front yard from 35ft to 14.8ft
2. side yard from 20ft to 3.7ft
3. lot depth from 125 acres to 120 acres
4. area from 18,750 sq/ft to 12,000 sq/ft
5. use variance
Property located at 46 Belmont Avenue
(75 – 6 – 7)
Designated R-1.

Request for continuance to September 10. 2007

SIX MONTH EXTENSIONS:

Michael Gurda

Request for a six month extension of the following variances of 249-3 (accessory building):
From 28x28ft to 36x28ft;
Property located at 346 Bowser Road
(36-1-96)
Designated R-2.

DECISION: Six month extension granted.

Arnold Silver

Request for an additional six month extension on the following variances:
1) lot width from 200 ft to 100ft;
2) side yard from 40ft to 33ft;
3) side yard from 60ft to 26ft;
4) 2 side yards from 100ft to 59ft;
5) area from 2 acres to 1.78 acres;
Property located at 282 Derby Road (21-1-10)
Designated RA,

Subject to the following:

The Certificate of Occupancy not be issued until the debris is cleared; the removal of trees only necessary for the construction, and that the tree lines be preserved.

REQUEST: Publication date: August 26, 27 or 28th

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 September, 2007, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Diane L. Davis, 27 Evan Court, Middletown, New York 10940 for a variance of 249-22(D) (side and rear yard setbacks) for the property of Diane L. Davis, 27 Evan Court, Middletown, New York, 10940. Property (76-8-75) located at 27 Evan Court, Middletown, New York 10940 and designated ___.

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

E. Raffo
Zoning Board of Appeals

TOWN OF WALLKILL ZONING BOARD OF APPEAL
AUGUST 13, 2007

REQUEST: Publication date: August 26, 27 or 28th

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 September, 2007, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

FLUFFY PUPS, INC., 2054 Goshen Turnpike, Middletown, New York 10940 for a variance of 249-27(D) (front yard set back) for the property of Christine and Kevin Strommer, Nine Shea Road, Campbell Hall, New York 10916. Property (44-1-38) located at 2054 Goshen Turnpike, Middletown, New York 10940 and designated MI.

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: August 26, 27 or 28th

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 September, 2007, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Ramapo Catskill Library, 619 Rt 17M, Middletown, New York 10940 for a variance of 249-22(D) (front yard set back) for the property of Robert Hubsher, Director, 619 Rte. 17 M, 10940. Property (36-2-59.2) located at 619 Rt 17M, Middletown, New York 10940 and designated HC.

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: August 26, 27 or 28th

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 September, 2007, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Denise Straley, Vinyl Tech, 668 Dutchess Turnpike, Poughkeepsie, New York 12603 for a variance of 249-22(D) (front, side and area setbacks) for the property of Jeannie B. Mills, 2 Red Barn Lane, Middletown, New York, 10940. Property (89-6-1) located at Two Red Barn Lane, Middletown, New York 10940 and designated ___.

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: August 26, 27 or 28th

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 September, 2007, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

James A. Fischer, Orange County Animal Emergency Service, 517 Rte. 211 East, Middletown, New York 10941 for a variance of 249-26(D) (side yard and landscape buffer) for the property of James. A. Fischer, 718 River Road, Montgomery, New York 12549. Property (41-1-42.1) located at 517 Rte. 211 East, Middletown, New York 10941 and designated HC.

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

E. Raffo
Zoning Board of Appeals