

TOWN OF WALLKILL ZONING BOARD OF APPEAL
SEPTEMBER 10, 2007

TOWN OF WALLKILL ZONING BOARD OF APPEAL
MEETING MINUTES

September 10, 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 the following Hearings were continued, reviewed, heard and voted upon as noted.

OLD BUSINESS:

July Meeting Minutes:

Ms Raffo: I Move to accept the July 9, 2007 Meeting Minutes to include the attached addendum; Seconded;

DISCUSSION:

J. Owen, Esq.: Correction on Page 1: The name of the attorney is Coffill, Esq.

All in favor; Motion carried.

NEW BUSINESS:

October Meeting Date:

Ms Raffo: Due to the observed holiday the 2nd Monday in October, I Move to hold the October Town of Wallkill ZBA Meeting on October 15, 2007 at 7:30pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

August Meeting Minutes:

Ms. Guenste: I have some corrections for the minutes.

Ms Raffo: I Move to table the August Meeting Minutes to October subject to the corrections being forwarded; Seconded; All in favor; Motion carried.

6 MONTH EXTENSIONS:

THOMAS J. AND KATHRYN STAPLES

Ms Raffo: We have received a request for an extension to variances granted to Mr. and Mrs. Staples originally granted on August 8, 2005. They are having problems with Planning that they are working on.

Ms Raffo: I Move to grant a six month extension for Thomas J. and Kathryn Staples for the following granted variances 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 at property located at Eight Clark Street, (52-4-6); Designated R-1; Seconded. All in favor; Motion carried.

LAURA AND JAMES P. FIORILLO

Ms Raffo: We have received a letter requesting a second six month extension granted on 8/14/2006 for the following variances of 249-20(A): 1. front yard set back from 35ft to 24ft 6 inches; 2. lot width from 150ft to 106ft; 3. area from 0.75 acres to 0.70 acres; 4. accessory building in front of primary (building) residence; 5. oversized accessory building to 27ft 6 inches x 32 ft 6 inches; Property located at 24 Mud Mills Road, (40-1-17.2); Designated R-2; Seconded; All in favor; Motion carried.

FAIRWAYS WALLKILL, LLC (c/o GDC), FORMERLY MDG DEV.

Ms Raffo: In July an extension was granted on some of the variances that were to expire for Fairways. They are requesting an extension on some that will expire in October and that all the variances be allowed to expire in October and then be granted a 6 month extension. There should be no problem with this.

Ms Raffo: I Move to grant the request of FAIRWAYS WALLKILL, LLC (C/O GDC) (FORMERLY MDG DEV.) a six month extension for any current variances and to those subject to expire in October; Seconded; All in favor; Motion carried.

CORRESPONDENCE:

Ms Raffo: We have received a request for a postponement to the October meeting from the following applicant, FLUFFY PUPS, INC.

Ms Raffo: Is there anyone from the Public here tonight on this application? (no)

Ms Raffo: I Move to grant postponement on FLUFFY PUPS, INC. to October 15, 2007, at 7:30 pm or as soon as the matter can be heard, Seconded; All in favor; Motion carried.

CONTINUANCE:

Antonio Spadafora: Request for a variance of 249-22 (lot area)
1. front yard from 35ft to 14.8 ft;
2. side yard from 20ft to 3.7ft;
3. lot depth from 125 ft to 120ft;
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.

Ms Raffo: Is there anyone here for this application? (no)

J Owen, Esq.: You can move it to the end of the meeting and conduct the continuance of the Public Hearing then.

Ms Raffo: Is there anyone from the Public here tonight for this application? (no)

Ms Raffo: We'll call it again at the end of the meeting.

PUBLIC HEARINGS:

Denise Straley, Vinyl Tech Request for a variance of 249-99(D):
For construction of a 15x11ft three season sun room.
1. front yard set back from 40ft to 30ft;
2. area from 18,750 sq/ft to 8,450 sq/ft
Property located at 2 Red Barn Lane, Middletown, NY
(89-6-1);
Designated R-1

Ms Raffo: The mailings were reviewed by the Board and filed for the record.

Ms. Raffo: I Move to open the Public Hearing at 7:55 pm. filed

Vinyl Tech: This is for a 11x17 three-season sun room on a new deck.

Mr. Wilson: Is there anything there now?

Vinyl Tech: This is off the side of the house.

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

Ms Raffo: Any questions from the Public?

Alice Giro (Public): I am somewhat opposed because it is on the side of the house – on the road side and it will be a blind corner. We have had problems and people speed down Rolling Meadows and if there is a fence after that it will be a big blockage, I think.

Ms Guenste: Have you seen the map? (she reviewed the map with her).

Ms Guenste: It is 40 feet off the road. Are you moving the fence?

Mr. Mills: It is outside the fence.

Vinyl Tech: The fence is staying where it is.

Alice Giro (Public): If the fence is 15 feet from the house?

Mr. Mills: (showed them where the fence is on the drawings) It is 15 feet from the property and the sun room is over here (drawing). 11 feet out. We removed the hedges because problem with vision at the site view. We have a couple of pine trees.

Ms Sullivan: The problem is with the pine trees?

Alice Giro (Public): No. The fence and sun room are right up against each other.

Ms Guenste: It is 40 feet from the corner.

Alice Giro (Public): There are bushes that give you a blind eye when you come up.

Ms Sullivan: The bushes are there already.

Ms Guenste: Talk to the Town about caution signs maybe.

Mr. Wilson: You just don't want the fence to go out any further?

Alice Giro (Public): Yes.

Ms Raffo: They have no intention to move fence and it will go up to the sign. I can't in fairness to them or future purchasers say they can't use that fence. If he is not moving the fence - do you have objection?

Alice Giro (Public): No.

Ms. Raffo: Any questions from the Board? (No)

Ms Raffo: I Move to close the Public Hearing at 8:00pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variance: 1) Front yard setback from 40ft to 30ft; 2) area variance from 18,750 to 8,450 sq/ft.; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye) 7	Johnson, Guenste, Sullivan, Petelinz, Wilson, Dunn, Raffo
Opposed (nay) 0	

DECISION:

Ms Raffo: The variances are granted. They are valid for 6 months and if you have not started work by that time you will need to request an extension; if none is received, the variances expire and you will have to re apply.

Diane L.Davis:	Request for a variance of 249-22(D): For construction of a 15 x 20 rear yard deck. 1. side yard from 20ft to 4ft; 2.side yard from 20ft to 10ft;
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3. rear yard from 30ft to 18ft;
4. 2 side yards from 40ft to 14ft
Property located at 27 Evans Court, Middletown, NY
(76-8-75)
Designated R-1.

Ms Raffo: The mailings were reviewed by the Board and filed for the record.

Ms Raffo: I Move to open the Public Hearing at 8:03 pm.

Ms Davis: We want to extend 10 x 20 deck.

Ms Raffo: Any questions from the Board? (No)

Ms Guenste: I think we should just do a blanket (variance) for this area.

Ms Raffo: For information, there are a row of town houses that were built with small stoops and almost everyone on Evans Court has come in for relief.

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

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

Ms Raffo: I Move to grant the following variance for a deck: 1) side yard from 20 to 4ft; 2) side yard from 20 to 10ft; 3) rear yard from 30 to 18ft; 4) 2 side yards from 40ft to 14ft; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye) 7 Petelinz, Dunn, Wilson, Guenste, Johnson, Sullivan, Raffo
Opposed (nay) 0

DECISION:

Ms Raffo: The variances are granted. Please start work before the variances expire. If you have not done so, you will need to request an extension before that time or start all over.

Ramapo Catskill Library Request for a variance of 249-22(D):
Front yard set back to replace an existing sign.
1. front yard from 15ft to 4ft.
Property located at 619 Rt 17M, Middletown, NY
(36-2-59.2)
Designated HC

Ms Raffo: The mailings were reviewed by the Board and filed for the record.

Ms Raffo: I Move to open the Public Hearing at 8:07 pm.

Lewis Sign: This is for a sign variance from 15ft to 2 feet and they are leaving sign in same area it is currently located. I have some photos.

Ms Petelinz: I have a photo you gave us and is this the sign you are referring to?

Lewis Sign: It is old and needs to be up-dated.

Ms Petelinz: Same spot and size?

Lewis Sign: The new one is 3 ft x 6 ft so it is a foot taller and 2 feet wider. The size is in the zoning.

Ms Petelinz: You are keeping the same title?

Lewis Sign: Yes.

Ms Petelinz: How much foot traffic to you get?

Library Representative: We provide services to the library systems but not to the public. There is no one off the street but we do have many member libraries and trustee meetings.

Ms Petelinz: Do they know where the library is for the most part?

Library Representative: No, we deal with a large area and there is regular turn over of those people. We have people who don't know the building at all.

Ms Sullivan: It would be improvement to have a bigger sign and you can't see it and it is still RCLS and it needs a bigger/bolder sign.

Library Representative: We changed the logo 6 years ago and did not do the sign.

Ms Guenste: I have lived there for 28 years and RCLS has been there about the same time.

Library Representative: Yes.

Ms Guenste: I have problem with it being that big. It is preexisting and is difficult to put it 15 feet back and see where the landscaping is outside the property line. 6 feet is extremely large. I

don't like moving closer to the telephone pole. Don't know how it affects the electric line...or how O&R feels about it being with 2 feet. 6 feet is extremely large for the area. The other signs there make it confusing also. Are there numerous businesses along 17M now – to allow 6 foot sign that close with a variance I think everyone will want to do it. I can see it a little larger. With colors you have it will be easier to see. A 6 foot sign is too large you know in comparison to what you have now. If you make a 5 foot sign and made it where it starts away from the electric pole and move it over, I think it would serve purpose of being more noticeable especially with the color.

Ms Raffo: Is there anything else from the Board? (No)

Ms Raffo: Any questions from the Public? (No)

Ms Raffo: Do they have to have permission to be that close to the electric pole?

Lewis Sign: No, if they were up high, they would.

Ms Raffo: I Move to close the Public Hearing at 8:12 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variance: front yard set back for a sign from 15ft to 4ft; Seconded.

DISCUSSION:

Ms Petelinz: If you need to have people see the facility, so be it. I do think it's a little large.

Mr. Wilson: It is an up-grade to the existing sign.

Mr. Johnson: I would say yes for the same reasons.

Ms Guenste: I don't agree with the sign and placement.

VOTE:

In favor (aye) 6	Petelinz, Dunn, Wilson, Johnson, Sullivan, Raffo
Opposed (nay) 1	Guenste

DECISION:

Ms Raffo: The variance is granted and good for 6 months. If you have not started work you will need to request an extension before it expires. See the Building Department.

Orange County
Animal Emergency,
James A. Fischer, DMV Request for a variance of 249-26(D) and 249-12(D)(11)(a)(2):
Side yard and landscape buffer.

1. side yard from 20ft to 14ft
 2. landscape buffer from 10ft to 1.5ft.
- Property located at 517 Rt 211 East, Middletown, NY
(41-1-42.1)
Designated HC.

Ms Raffo: The mailings were reviewed by the Board and filed for the record.

Ms Raffo: I Move to open the Public Hearing at 8:14 pm.

Roger Ferris: This is for an addition to an existing and they need variances for the side yard and landscape buffer.

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

Ms Raffo: Any questions from the Board?

Ms Sullivan: You are reducing the side yard then?

Mr. Wilson: The landscape buffer as well.

Ms Raffo: I Move to close the Public Hearing at 8:17 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variances: 1) side yard from 20ft to 14ft; and, 2) landscape buffer from 10 ft to 1ft 5 inches; Seconded.

DISCUSSION:

Ms Raffo: We are familiar with the property and the area.

VOTE:

In favor (aye) 7 Guenste, Johnson, Sullivan, Petelinz, Dunn, Wilson, Raffo
Opposed (nay) 0

DECISION:

Ms Raffo: The variances are granted. Remember they are only good for 6 months and if you have not started work come in for an extension or you will need to start again.

HEARING REVIEWS: October

PASQUALE PETRIZZO

Ms Raffo: Why do you need this variance?

Mr. Petrizzo: I keep the fire wood and on the side. To keep the wood in the garage is nice. It is a lot of money and I have a stove, the house is bigger – not for business just fire wood.

Mr. Wilson: It is there already?

Mr. Petrizzo: Yes. Before big garage – the roof is regular on the side and I put the fence the wood – not close. The garage is closed.

Ms Raffo: It has a wood fence.

Ms Guenste: Exactly which house is this?

Mr. Petrizzo: Across from Maple Farm. When I put a fire in the house the wood is wet.

Ms Raffo: We will come look.

Ms Petelinz: What use building for?

Mr. Petrizzo: The building is for a bull dozer, the other one every thing right away.

Ms Raffo: He has permit for the garage.

Mr. Petrizzo: I no use for business but for storage.

Ms Petelinz: 49 x 64 feet was built now as a shed?

Mr. Petrizzo: The building is here then I make extension with roof on top for the wood – fire wood.

Ms Raffo: Do you have a permit for the garage?

Mr. Petrizzo: Yes.

Mr. Johnson: It is a 9 foot shed on the existing building.

Ms Raffo: I Move to hold a Public Hearing on October 15, 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: We will need 11 maps showing the locations of the buildings and they must be in within 10 days. Do you have any questions?

Mr. Petrizzo: How far do I have to stay away from them (neighbors)?

Ms Raffo: This is not an issue.

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.

J Owen, Esq.: The instructions are on your application on what you need and what to do.

Ms Raffo: When you come in if you have questions, someone will help you.

CAROL WILSON

Ms Raffo: We need 11 copies of the map be delivered in order to complete your application.

Ms Raffo: What are you seeking.

Mr. Wilson: I want to put 7 foot porch on driveway and living room with bathroom suite and take roof off and put apartment on top for my daughter.

Ms Raffo: This is more involved because this is a one family and you are proposing a 2 family house.

J Owen, Esq.: If there is a kitchen it is 2 family.

Ms Raffo: If there is only one kitchen it is a single family.

Mr. Wilson: We will have to knock that out and have her use our kitchen.

Ms Raffo: Have you been to the Planning Board?

Mr. Wilson: No, and need it for the porch and addition.

Ms Raffo: You will need to return to them with the variances.

Mr. Stanley Wilson: What is the height of the building?

Mr. Wilson: 2 story.

Ms Raffo: Building department with the plans and they will direct him from there. To get started we need 11 copies of the site plan. Drop them off at the Planning Department and we will get them.

Mr. Stanley Wilson: We need the proper height and make sure it is proper amount.

Ms Raffo: You are not going above 35 feet.

Mrs. Wilson: The house now is very tiny. Just take the kitchen out.

Mr. Johnson: You don't have to remove the space just don't make it into a kitchen.

Ms Guenste: Is there a sign for the house?

Mr. Wilson: We have number on the mailbox which is #30 and way back off the road.

Mrs. Wilson: The house is sideways.

Ms Guenste: Is this the tiny house behind the white one?

Mr. Wilson: No.

Mrs. Wilson: We have the camper RV in the driveway which is as big as the house.

Ms Raffo: I Move to hold a Public Hearing on October 15, 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.

M & G SERVICES (Starbucks Coffee)

Applicant not present.

CONTINUANCE:

Public Hearing (Extended from beginning of Meeting:

Antonio Spadafora: Request for a variance of 249-22 (lot area)
1. front yard from 35ft to 14.8 ft;
2. side yard from 20ft to 3.7ft;
3. lot depth from 125 ft to 120ft;
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.

Ms Raffo: Is the applicant or their representative here? (no).

Ms Guenste: I see a small problem and came here originally in March and first meeting in May. This is a Public Hearing we are continuing?

Ms Raffo: We are only to continue the Public Hearing for first time from last month (August).

Ms Raffo: I Move to continue the Public Hearing at 8:36 pm.

Ms Raffo: The applicant is not present nor have we heard from them.

Ms Raffo: I Move to close the Public Hearing at 8:38 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to deny the following variances: 1) front yard from 35ft to 14.8ft; 2) side yard from 20ft to 3.7 ft; 3) lot depth from 125ft to 120ft; 4) lot area from 18,750 sq/ft to 12, 200 sq/ft; 5) use variance; Seconded.

DISCUSSION:

Ms Raffo: The applicant is not present tonight and this is the second time. It application started on 6/11 originally.

VOTE:

In favor (aye) 0
Opposed (nay) 7 Guenste, Johnson, Sullivan, Petelinz, Dunn, Wilson, Raffo

DECISION:

Ms Raffo: The variances are denied.

MEETING CLOSE:

TOWN OF WALLKILL ZONING BOARD OF APPEAL
SEPTEMBER 10, 2007

Ms Raffo: There being no further items to be presented, I Move to close the September 10,2007 Meeting at 8:39pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WLLKILL ZONING BOARD OF APPEALS
DECISION SHEET
SEPTEMBER 10, 2007

PUBLIC HEARINGS:

Denise Straley, Vinyl Tech Request for a variance of 249-99(D):
For construction of a three season sun room.
1. front yard set back from 40ft to 30ft;
2. area from 18,750 sq/ft to 8,450 sq/ft
Property located at 2 Red Barn Lane, Middletown, NY
(89-6-1);
Designated R-1.

DECISION: Variances granted.

Diane L. Davis: Request for a variance of 249-22(D):
For construction of a 15 x 20 rear yard deck.
1. side yard from 20ft to 4ft;
2. side yard from 20ft to 10ft;
3. rear yard from 30ft to 18ft;
4. 2 side yards from 40ft to 14ft
Property located at 27 Evans Court, Middletown, NY
(76-8-75)
Designated R-1.

DECISION: Variances granted.

Ramapo Catskill Library Request for a variance of 249-22(D):
Front yard set back to replace an existing sign.
1. front yard from 15ft to 4ft.
Property located at 619 Rt 17M, Middletown, NY
(36-2-59.2)
Designated HC.

DECISION: Variance granted.

Orange County
Animal Emergency,
James A. Fischer, DMV

Request for a variance of 249-26(D) and 249-12(D)(11)(a)(2):
Side yard and landscape buffer.
1. side yard from 20ft to 14ft
2. landscape buffer from 10ft to 1 ft 6 inches
Property located at 517 Rt 211 East, Middletown, NY
(41-1-42.1)
Designated HC.

DECISION: Variances granted.

Fluffy Pups, Inc.

Postponed to October 15, 2007.

Antonio Spadafora:

Request for a variance of 249-22 (lot area)
1. front yard from 35ft to 14.8 ft;
2. side yard from 20ft to 3.7ft;
3. lot depth from 125 ft to 120ft;
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

DECISION: Variances denied.

CORRECTION TO AUGUST 13, 2007 DECISION SHEET:

Antonio Spadafora: Continuance notice (Page 13) should read: *3. lot depth from 125 feet to 120ft.*

SIX MONTH EXTENSIONS:

Thomas J. and
Kathryn Staples

Request for six-month extension to variances originally granted for variances 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 at property located at Eight Clark Street (52-4-6)

Designated R-1

DECISION: Six month extension granted on variances

Laura and
James P. Fiorillo

Request for six-month extension to variances originally granted for variances of 249-20(A):

1. front yard set back from 35ft to 24ft 6 inches;
2. lot width from 150ft to 106ft;
3. area from 0.75 acres to 0.70 acres;
4. accessory building in front of primary (building) residence;
5. oversized accessory building to 27ft 6 inches x 32 ft 6 inches;

Property located at 24 Mud Mills Road (40-1-17.2)

Designated R-2.

DECISION: Six month extension granted on variances

Fairways Wallkill, LLC
c/o GDC

Formerly MDG Dev. Request for all the variances granted by the Town of Wallkill to expire in October and then be granted a six month extension on all variances granted by the Town of Wallkill.

REQUEST: Publication date: September 11, 12 or 13th

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 15th day of October, 2007, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Pasquale Petrizzo, Maple Road, Middletown, New York 10940 for a variance of 249-3 for the property of Pasquale Petrizzo, Maple Road, Middletown, New York, 10940. Property (36-2-15.3) located at Maple Road, Middletown, New York 10940 and designated R-1.

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: September 11, 12 or 13th

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 15th day of October, 2007, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Carol Wilson, 30 Rhode Island Avenue, Middletown, New York 10940 for a variance of 249-22(D)(1) (side yard variances) for the property of Carol Wilson, 30 Rhode Island Avenue, Middletown, New York, 10940. Property (38-7-15) located at 30 Rhode Island Avenue, Middletown, New York 10940 and designated R-1.

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

E. Raffo
Zoning Board of Appeals