

TOWN OF WALLKILL ZONING BOARD OF APPEAL

MEETING MINUTES

SEPTEMBER 12, 2005

PRESENT:

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

J. Owen, Esq.

The September 12, 2005 Meeting of the Zoning Board of Appeal opened with the pledge to the flag followed by the roll call and presentation of the August 8, 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 the Public Hearing on October 17th and Public Hearings heard and voted upon as noted.

LAWRENCE BEDOSKY: Request for a variance of 249-22-D (a)
1) yard depth (from 100ft to 90ft)
For construction of a single family house.
Property located at 35 Fairfax Avenue
(SEC 75 BL 6 LOT 11.10); Designated R1.

Mr. Mattatall: I Move to open the hearing for Mr. Bedosky. In July an area variance issued to Mr. Bedosky and the yard depth 100ft to 90 feet (249-22-Da) was part of the original application. The intent is to build on the property and that he would not seek any further variances. It was an error on our part.

Mr. Mattatall: I Move to grant the following variance for a yard depth from 100ft to 90 feet; Seconded.

DISCUSSION: (None)

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

Mr. Mattatall: The variance is granted for 6 months. Please see the Building Department. If in 6 months you have not started work, please request an extension before it's expiration.

CORRESPONDENCE:

Mr. Mattatall: **Absolutely Flowers** is requesting a 3 month extension on a variance grated on September 13, 2004 for parking. They have received conditional approval from the Planning Board and the OC DPW. This has passed the 6 month time for a variance extension.

Mr. Mattatall: Request can not be heard by the Board.

Mr. Mattatall: We have received a request for an extension of a variance from Glen Brinckerhoff for a lot purchasing from **Charlotte T. Verdi and Josephine Ann Caruso**. The variance was for a width from 200 to 125 ft that was granted on April 11, 2005.

Mr. Mattatall: I Move to grant the applicant, Glen Brinckerhoff a 6 month extension; Seconded; All in favor; Motion carried.

DECISION: 6 Month variance extension granted.

HEARING REVIEWS (October 17, 2005)

Edward Lawrence:

Request for a variance of garage with a bigger deck on it; the garage is too small.

Mrs. Thompson: Why a deck on the garage?

Mr. Lawrence: I have a hill in the back.

Mrs. Thompson: Will you request apartment in the garage? Living quarters?

Mr. Lawrence: No. The garage now is too small for a show car.

Mr. Mattatall: How high?

Mr. Lawrence: 20 feet high.

Mr. Mattatall: The building department will need to have the exact numbers.

Mr. Lawrence: We had a survey done.

Ms Guenste: It looks like deck is on the property line?

Mr. Lawrence: The fence is 1 foot off the property line. It will be 2 feet 6 inches from the property line.

Ms Guenste: Do you have it staked out?

Mr. Lawrence: Yes.

Ms Guenste: Can I see where the garage...

Mr. Lawrence: Yes.

Mrs. Thompson: I have 1 ft 6 inches.

Mr. Lawrence: I am losing a foot of the back and am bringing it out another foot.

Mr. Mattaall: It is 2 ft 6 inches.

Ms Guenste: Why not put the deck off the back of the house?

Mr. Lawrence: It would take up the whole yard and we have septic and can have swing set and play area.

Ms Guenste: How far on Ingrassia?

Mr. Lawrence, Sr.: Across from Lawrence's.

Mr. Mattatall: I Move to hold a Public Hearing on October 17, 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.

Bentivoglio:

Mr. Bentivoglio: We are building another house on the property and the original house is in HC and we are 600 feet shy of the building on commercial for residential.

Mr. Mattatall: You need 20,000 sq/ft. You will need width and depth. I think there is lot width mistake – it shows 160 feet.

Mr. Bentivoglio: Kathy did not pick up the mistake.

Mr. Mattatall: Only lot depth.

John Steinberg, Schoonmaker Homes: You require 130 and he has 120 on corner?

Mr. Mattatall: The way the application reads you have to bring lot from 120ft to 91 feet on the right side. It is the shape of the lot you have to deal with. A house is there now?

Mr. Bentivoglio: No, it was torn it down 2002. Before I tore it down I spoke to Mr. Steenrod about grand fathering but I was not told it lasts for 1 year. I found that out the hard way.

Ms. Guenste: Is there water/sewer?

Mr. Bentivoglio: Yes.

Mrs. Thompson: This is behind Dulgarian's.

Ms Guenste: Please put up a sign with the street name.

John Steinberg, Schoonmaker Homes: Put a sign on the property so you can find it?

Ms Guenste: Yes.

Mr. Mattatall: I Move to hold a Public Hearing on October 17, 2005 at 7:30pm 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.

Couser:

R.J. Smith: The purpose of the application is for an interpretation of the ordinance with regard to a permitted use in RA zone. We have taken full loop around the matter and have been with the work session of the Planning Board and uses include: #2 growing crops, orchards and grazing livestock. It does not says specifically if you can have buildings associated with the use, stable with horse, green house for nursery. The PB attorney generated opinion was 'yes it is intended' and as part of Town Board – concluded that was the intent as there are farms throughout the town and zoning so they actually drafted legislation to amend the zoning law and will list green houses, barns – customary building with use. At the Planning Board last week, they were content with the meaning of the law (passed out) but we made the application and wanted to get you opinion and that it is important to clarify it. It is permitted to have agriculture buildings in an agriculture zone.

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

Mr. Mattatall: I Move to hold a Public Hearing on October 10, 2005 at 7:30 pm or as soon thereafter as the matter can be heard.

Mr. Mattatall: It is necessary to notify everyone within 1,00 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 Request for a variance of 249-22-D (side and rear yard set backs) for construction of an expanded deck.
1) side yard from 15ft to 9ft;
2) side yard from 15ft to 3ft; and
3) rear yard from 30ft to 21ft
Property located at 43 Mayer Drive
(SEC 76 BL 8 LOT 45); Designated R-1.

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

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

Mr. Mattatall; You have a townhouse and wish to put on a deck?

Mr. Brooks: Yes.

Mrs. Thompson: Someone recently came in on something like this?

Ms Guenste: This is similar to the one last month.

Mr. Brooks: Yes, the same exact one.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 7:59 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances of 249-22-D for an expanded deck:
1) side yard from 15ft to 9ft; 2) side yard from 15ft to 3ft; and, 3) rear yard from 30ft to 21ft;
Seconded.

DISCUSSION: (none)

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

Opposed (nay) 0:

DECISION:

Mr. Mattatall: The variances are granted. Please see the building department. The variances are granted for 6 months and if you need to take longer, please come in for an extension.

Diana Ziemelis Request for a variance of 249-22 (lot size and width)
1) lot width from 80ft to 50ft;
2) front yard set back from 35ft to 12.1ft
3) side yard from 15ft to 14ft, and
4) area from 12,500 sq/ft to 6890 sq/ft.
Property located at corner of Victory Street and
Brookline Avenue
(SEC 75 BL 9 LOT 1); Designated R1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing was read at 8:07 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:08p.

Mr. Mattatall: Please tell us what you want to do?

Scott Ziemelis: (referring to the site plan) – I need variance on the side yards as well as a lot size variance and density 960 sq/ft. all of which is highlighted by the plans. The Board asked about a smaller house and this accomplished by Mr. Yanosh. This allows for a large side yard furthest away from the corner.

Ms Sullivan: It is 40 x 24 now originally 40 x 28.

Scott Ziemelis: It will also not be a 2 story residence, but at best a cape. One story residence.

Mrs. Thompson: This was granted a variance in 2003?

Ms Guenste: A cape is a 2 story?

Scott Ziemelis: I envision a 2 story – to allow dormers but don't plan to finish them at this time.

Ms Guenste: I had not been by it until we scheduled the hearing and there is a 2 family house with electric for 2 to 3 electrical units outside.

Scott Ziemelis: You have nothing on it. Immediately next door is a bi-level and across was a plumbing supply.

Ms Guenste: You are on the opposite corner?

Ms Sullivan: Is it a ranch or 2 story?

Scott Ziemelis: A 1-story dwelling and you asked about a 2 story and after speaking with the architect and my wife did not to go to expense of a 2 story. So instead of a slightly pitched roof of a bi-level but a higher room for additional space. It is not intended to be finished at this time.

Mr. Mattatal: If we give you conditional for 1 story the building department will not give permit for a 2nd living space.

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

Scott Ziemelis: My wife will be happy.

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

Mr. Mattatall: What is the address for this?

Scott Ziemelis: Only that it is on the the corner of 2 roads. The post office will have to designate.

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

Mr. Mattatall: I Move to grant the following variance: 1) lot width from 80ft to 50ft; 2) front yard set back from 35ft to 12.1ft; 3) side yard from 15ft to 14ft, and 4) area from 12,500 sq/ft to 6890 sq/ft.; Seconded.

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

DISCUSSION:

Mr. Morgan: A cape cod is a 2-story building.

J. Owen, Esq.: Is it one story or occupancy? A single story dwelling is different.

Mr. Mattatall: Subject to a single-story ranch style home; Seconded.

Mr. Mattatall: The variances are granted subject to,

That the dwelling remain a one story occupancy residence.

Scott Ziemelis: We addressed lot given the fact it swales to allow for a full basement and it is obviously sub grade imagine that not considered a floor subject to the opinion of your attorney.

J. Owen, Esq.: I will not make an opinion.

Mr. Mattatall: Variance granted subject to the following:

The house will remain a one story occupancy residence; Seconded.

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

DECISION:

Mr. Mattatall: The variances are granted subject to the above, see the Building Department. The variances are granted for 6 months, if you have not started work by that time, come in to request an extension.

Wall-Mart Stores, Inc. Request for a variance of 249-8-A(5) (accessory building in front
(Snyder & Snyder, LLP) of the primary building).
For installation of filling station pumps.
Property located at 300 North Galleria Drive
(SEC 78 BL 2 LOT 5.12); Designated MI.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:16 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:17 pm.

Leslie J. Snyder, Esq. for Walmart: We are proposing a gas station in the corner of a 28 acre property in a MI zone.

In connection with the Planning Board review, the property is in a M1 and in connection with the review, it was forwarded here because the gas station closer to the front line than principal. That is due to the fact the land is in between 2 roads (RT 211 and Galleria Drive). With respect to standards 267-b-3 NYS Town Law – you can grant a variance to improve health and welfare. Here they can buy gas while shopping for efficiency and we have the RT 211 corridor for shopping and business. If granted, the benefits outweighs any detriments.

The gas station will not change character of the neighborhood and it is unused portion of land and is with Lowes, the Galleria, etc. and in the Rt 211 corridor which is characterized by auto-related development. Any benefits can't be achieved by other means – the lot lines are limited. It is not substantial, and others have been granted. We have the environmental standards that the gas stations are required to have.

Mr. Mattatall: You want to put an accessory in front of the primary building and the kiosk is less than 28 x 28ft. Who can use it?

Leslie J. Snyder, Esq. : Yes and it is less than the 28x28ft.

Mr. Mattatall: It will fit in existing set backs?

Leslie J. Snyder, Esq.: Yes. And we provided traffic study.

Mr. Mattatall: Any questions from the Public?

Public:

Mark Donville: The first time I saw it was today and differ on hardship issues. First of all the hardship being that is self created – it is. There is a viable business there and the #1 company in America and they will continue to do well and profit with out gas station. 2nd – not alter character – take look at Galleria Drive and typically you have to wait 2 or 3 times (light changes) to make the light and I have tried to get out by Lowes and still have to wait. Another thing here is it is a club and New York State allows them to sell under cost at the present time at 95 under cost. Also look at is gas tankers 12,000 pound tankers coming in/out of North Galleria Drive and will be major problem with health and safety. The hard ship is unique – if you grant this you will have Home Depot and Lowes as they do in the south and other grocery store who has any space will want to do so also. Something should have been brought up in original plan - not later.

Galleria Drive sits higher than the lower gas station. Another thing is from the 4/18 issue of 'Convenience Store News' stating that the "next threat from Walmart will gobble up retail stores" it will happen when they get through their club pricing and take them from what is dispersed and funneled down corridor that can't handle it now.

Ms Guenste: Are you resident of the town?

Mark Donville: I own Alta East. I am a tax payer none the less.

Mr. Cody (Public): I have question – how many pumps?

Leslie J. Snyder, Esq.: Six (6).

Mr. Cody: The under pass – is where? (looking at the drawings)

Mr. Mattatall: On the other side.

Leslie J. Snyder, Esq.: Obviously one issue is ... actually they are not applicable with respect to his which he got it in 2004 and economic competition is not for the board's review; altering the character - he is in business too and this is an appropriate area and consistent. With respect to traffic the Planning Board sees no impact on parking or traffic issues.

Ms Sullivan: You will have one entrance?

Leslie J. Snyder, Esq.: Yes. The gas station is secluded in to the corner so customers coming to Sams club will use it. Entrance will not change. Some additional lines to keep gas station isolated.

Mrs. Thompson: You do need a Sams Club card to purchase gas?

Leslie J. Snyder, Esq.: Yes.

Ms Sullivan: It is off Galleria Drive.

Ms Guenste: I have a question as far as the gas delivery trucks coming in / out of Galleria Drive.

Leslie J. Snyder, Esq.: Same as where trailers come in.

Mr. Mattatall: The Planning Board is concerned with that as well.

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

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

Mr. Mattatall; I Move to close 8:29pm; Seconded; All in favor; Motion carried.

Mr. Mattatal; I Move to grant a variance allow an accessory building in front of principal building; Seconded.

DISCUSSION: (None)

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

DECISION:

Mr. Mattatall: The variance is granted, please see the building department. The variance is granted for 6 months if you have not started work by that time, please request an extension.

Leonard & Catherine M. Alesci Request for a variance of 249-3 (accessory building)
1) from the permitted 28x28ft to 52 x 36ft;
Property located at 49 Maples Lane
(SEC 22 BL 3 LOT 22.1); Designated R2.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:31 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:32 pm.

Mr. Mattatall: Please present you request.

Mr. Alesci: We would like to build an oversized garage than allowed on corner of property there.

Mr. Mattatall: The standard is 28 x 28ft and you want one in 52 x 36ft?

Mr. Alesci: Yes.

Mrs. Thompson: What will you store in there?

Mr. Alesci: Cars – personal cars. I have a garage repair shop down the street for almost 30 years. It will have nothing do to with this.

Mrs. Thompson: Are you going to add on to the house?

Mr. Alesci: We did, they dug the foundation on Saturday. I got approval last Tuesday/Wednesday and they were to dig on Friday or Saturday. I have a home I live in now with a 2 car garage plus 32 x 40 detached garage for vehicles and this house has no garage and is why I need it a little bit bigger.

Ms Guenste: I don't know – don't like seeing buildings so close to property line – it is 8 feet.

Mr. Alesci: I went back 2 more feet and law ways 5 feet.

Mr. Mattatall: It includes this too.

Mr. Alesci: There are no houses and its is in the back.

Ms Guenste: I know, I walked back there.

Mr. Mattatall: Limited for personal use for vehicles only.

Mr. Alesci: I don't want to keep them (cars) and the jet skies outside.

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

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

There's Your Sign Request for a variance of 249-11 N (1)(A)(2) (signs)
(Cheeseburger In Paradise) 1) to permit additional signs:
a) 90 sq/ft self-contained lit sign not yet constructed;
b) 124 sq/ft painted mural (existing);
Property located at Fair Grounds Plaza
(SEC 50 BL 2 LOT 35); Designated HC.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing notice was read at 8:35 pm.

Mr. Mattatall: I Move to open the Public Hearing at 8:37 pm.

Mr. Mattatall: Please present you application.

Applicant: This is for variance and sign ordinance for the square/footage of the building as opposed to a sign to be put up – they are requesting a variance for sign painted on the turret on front and self-contained lit sign on the side of the building. They would not allow them to be there based on zoning. They are needed to find the building. (applicant showed drawings of the signs)

Mrs. Thompson: Will this be illuminated?

Applicant: Yes.

Ms Guenste: You are here for variances for signs that are already up – I find that insulting and the corporation know that towns have ordinances and I don't understand why you put them up and now coming in.

Applicant: The painting is on the parapet – that was done by others and later banner put over it until the variance procedure went through.

Ms Guenste: You should not have painted it before – blatant disregard for variances. People come in and do something an come in for a variance and not fair to the town.

Mr. Mattatall: How did it get painted?

Applicant: The original sign was done by Timely Sign and it stayed with linear footage of the frontage of building and a different company painted it on I have been hired to get it straightened out for additional signage and the painting. The painting is not illuminated only on the one side that has none.

Ms Sullivan: I agree with Ms Guenste – it is an insult you did it without asking for a variance.

Mr. Mattatall: These additional projects – you don't have definitive access roads and with the sign ordinance it was not written to be free standing in middle of parking lot. The one that is painted on the front - why they went ahead and did that.

Ms Guenste: I would like to see this as 2 different votes. Additional sign on the front.

Mr. Mattatall: We have two (2) signs that in contention.

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

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

Mr. Mattatall: I Move to close the Public Hearing at 8:43 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variance of 249-11 N-1A2 to allow: 1) one (1) sign 90 sq/ft self contained (lit sign not yet constructed); as shown on plan dated 10/4/04; Seconded.

DISCUSSION:

Mr. Morgan: I don't think they need the lit sign, so I vote no.

Mrs. Thompson: The places are confusing without signs on them – so yes.

Ms Guenste: We have had other sites with signs on the front and side and for that reason, and because you have people on Rt 11, I will say yes.

Mr. Johnson: For the same reasons the building is designed and was built to have sign on the side.

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

DECISION:

Mr. Mattatall: The variance is granted and is valid for 6 months. See the building department.

Mr. Mattatal: I Move to grant the following variance sign: 124 sq/ft painted mural (existing); as present on the 10/14/04 plan; Seconded.

DISCUSSION:

Ms Raffo: It did not come before the town before it was installed / painted, so for that reason, no.

Ms Guenste: I don't think the business needs 2 signs on front there. There is 1 sign there and see no reason for the 2nd one on the front. If there is a financial difficulty it was self-created by putting it up before coming to the board. So, I vote no on front sign

Mr. Johnson: No for the same reason.

Ms Sullivan: I agree with the previous statement.

CONTINUANCE:

John Romano Request for a variance of 249-28 (rear/side yards & landscaping)
1) rear yard from 50ft to 12ft;
2) side yard from 50ft to 23ft; and,
3) landscaping from 50ft to 10ft.
For expansion of his practice.
Property located at 18 Golf Links Road
(SEC 78 BL 1 LOT 42); Designated PID.

Mr. Yanosh I apologize for being late. The last issue was to be addressed by Chief Smith regarding the 12 feet rear yard on the one story building and he said it is no problem at all. I will get that in writing. We can change the building to 46 feet deep.

Mr. Mattatall: The rear goes from 8 feet to 12 feet.

Mr. Yanosh: I will give you the new maps showing this (so he did).

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

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

Mr. Mattatall: I Move to close the Public Hearing at 8:51 pm; Seconded; All in favor; :Motion carried.

Mr. Mattatall: I Move to grant the following variances: 1) Rear yard 50 to 12ft; 2) side yard from 50 ft to 23ft; and, 3) landscape from 50ft to 10 ft; Seconded.

DISCUSSION: (None)

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

DECISION:

Mr. Mattatall: The variances are granted. They are valid for 6 months and if you have not started you need to request a 6 month extension.

E TETZ & SONS: Request for the following:
1) interpretation of Ordinance 249-8.1 and 249-27-D
2) definition of 'excavating
3) variance of 249-27 (D) (height from 35ft to 72ft)
Property located at 81 Cemetery Road
(SEC 78 BL 1 LOT (s) 29, 28.21, 28.22)

Mrs. Thompson: The Mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 9:20 pm.

Mr. Mattatall: I Move to open the Public Hearing at 9:21 pm.

Mr. Mattatall: By the end of next week we will have a 2.5 foot high collection of letters that have been submitted. They are being indexed, numbered and collated and people can search for their correspondence or resubmit. Where we have received duplicates of content with different senders they will be sorted. An appointment will be needed to view them. It is not our intention to slow anything down or hold you back and the hearing will go another month.

Rosemary Stack, Esq.: Here tonight is Jim Ullrich of Alpine, the main consultant and who did the site plan, Peter Loyola of CLA, David Gurbert of Gencor, an engineer in Florida that manufactures the asphalt equipment. There will be a Power Point presentation where will explain each slide.

Power point: The site plan is in the manufacturing industrial district. The facility we are proposing is in MI zone as special permitted use and has been before the Planning Board (PB) for the last 1.5 years. It is adjacent to PID which has no height restriction. Permitted use by special use permit and adjacent is PID and again there is no height limitation. There are some in MI that exceed with no mitigating uses. The site is the former mining area for 25 + years and could mine with 25 feet of property line and did so here. Rt 17 is 150 feet from the site and there is a permitted mine site adjacent to ours with DEC permit and not yet been reclaimed and a telecommunications towers which are higher on the topo than our site exists. You see the heavy equipment, training area is adjacent and the cemetery. This map is hard to read but shows particular uses.

Jim Ullrich, Apline: The other uses for similar parcels (map) are the Galleria and the property you see Marcy South, cell towers and our access road is parallel to cemetery road here (map).

Rosemary Stack, Esq.: In view you have the telecommunication tower which is at a higher elevation, transmission in ½ mile on Phillipsburg Road and there is no screening buffer of these. These are photos of the particular uses. This is a view of the cell tower on Crystal Run Road and a view of the Marcy South power lines along Philipsburg Road and exceed 150 feet in height. The cemetery protection law there is 100 feet set back of cemetery and was adopted January of 2002 and the settlement discussions were done with TOW when relocating their current operations on Crystal Run Road to the Philipsburg Road site. The request for a setback variance from 100 feet from cemetery is access road with minimal grading and is from only 1 to 8 feet (8 limited area).

Jim Ullrich will tell you where excavation will occur. Rather than speak from here because we have the Power Point presentation and the map and you will see both. Engineering developed a site plan to remove structures in the 100 foot setback. Where we propose access road within 100

feet an area previously excavated as a line. The areas we are disturbed in was previously excavated. Exception is the only need for a variance. The same plan as is on the wall showing access in (map) and dash white line is 100 foot set back access road to asphalt plant and our excavation to improve the road which is needed and is on side away from the cemetery not towards the cemetery. The road is the only feasible access for truck access. We will widen the entrance as requested by fire department and the town for emergency vehicles and this is the uphill side. We need a variance to improve site distances where we go in. we rehab the town road which is within 100 feet of the cemetery.

Access to the asphalt plant runs north to south has been excavated and there are no nearby burial sites and clear signs of what was disturbed on the site. It has been reviewed by SHIPPO and they determined not have adverse affect on the cemetery. SHIPPO is state historic parks preservation organization and who does studies on the potential impact on historical sites.

The area adjacent to the line and within the 100feet - there is a visual berm to maintain noise levels at the property line. The engineer developed layout which allows for the relocation of operations to this site in addition to asphalt and improve the storm water; it will consolidate 3 repair shops into 1 and the parking areas which are needed for trucks and drivers and nature of aggregate business, the driver parks their car and takes truck. Elements also include reprocessing for aggregate which we downsized and stockpile areas for concrete and aggregate plant to meet state separates requirements. Recycled components for all those things that go in to asphalt.

Improvements to be installed: concrete facility to recycle water and aggregate when trucks are washed and approved by DEC for this use. The processed water is recycled into the concrete mix. On west end – balance, is processing for aggregate to meet town noise and storm management by stature for no increase in peak flow rate and process ponds to feed the aggregate plant.

Rosemary Stack, Esq.: Basically because of site requirements there is no way to down size further without needing set back variance.

Height variance of the zoning law states that the height is not to exceed 35 feet. Historically in zoning because fire department did not have ariel trucks that reached above 3 floors and if this applies to the equipment and if these are buildings or asphalt equipment. We provided the board with structures that exceed 35 foot height requirement. Next to speak is David Gurbert of Gencore who will explain the components of the asphalt plant.

David Gurbert: We meet the standards for emission requirements. We build up to 700 tons per hour and majority are 400 ton plants. The customer needs to have production for state and highway and wants something he can slow down or increase based on storage requirements. Picture – slat conveyor which drags material to top of silo – finished asphalt product. The majority of the 400 plants can speed up and be done by 10:00am and or can run and save for 2 days. You can cut down on time plan operating. We have shortest and tall. We have 200 ton deluxe silos – lowest and slat conveyor had to be taller to dump it into the silo. We do blue smoke emission – sealed from drum up and as it is dragged up we suck the fumes back. We pull it into the drum so we meet Co and O2 and bag house which is shorter which keeps dust out of the air and runs it back through the plant. You don't have to have more trucks with shorter.

Ms Guenste: How high?

David Gurbert: It is 68 feet and has duct work and the bag house.

Ms Guenste: The middle one is 54 feet?

Mr. Mattatall: You have the conveyor as 72 feet and conveyor is 68 feet.

Rosemary Stack, Esq.: It is 68 feet.

Ms Guenste: The duct collector is the bottom piece – where is it?

David Gurbert: The hard rock is in storage and runs into the drum – long cylinder – and spin and heat rock to get moisture out because oil water don't mix. We have to get it out. When this is happening rock tumbles and kicks dust and dust goes to the bag house sometimes 100 of nothing of nothing but dust like race car drivers have and blow it down and auger it into the drum. We put black stuff in the back.

The moisture is very important – the rating is degraded 2% over speck they can't put out more than 300 tons/hour. They down to 300 to 200 ton silo – shorter wider units. Trucks can make runs in the morning and afternoon.

Rosemary Stack, Esq.: We are asking for a variance for the concrete plant similar to ones on Crystal Run Road that will move to the site and is the same visual of what look like. The heights on the sheet and located on the site (Jim Ullrich)

Jim Ullrich: The south east corner.

Rosemary Stack, Esq.: This has not been seen as shown in balloon test to determine visibility. No screening on Crystal Run Road and it will be totally on Phillipsburg Road. It has high side walls and low elevation in center of site and has excellent buffering and in previously excavated area and DEIS and FEIS reports were filed. The Draft environment impact statement and final environmental impact statement. Plant is not visible from most locations.

Visual – because of the topo – it will not be lowered. Retain the tree line and the existing vegetation is trees 70 to 80 feet and propose 35 feet depth around parameter and berm 10 to 18 feet and ever green on topo 6 to 8 feet initial and grow to 70 an 80 feet and deciduous plants were recommended by Peter Loyola and to blend with deciduous vegetation and will add that type of vegetation.

Peter Loyola, CLA.: Visual mitigation and simulations. Can everyone see? Our part is to show what it will look like from the surrounding area. We did an analysis from the cemetery and took look at photo and did photo simulation. Remember and will show cross section, buffer planting completely around the parameter of the Wallkill Cemetery property. A lot of good vegetation on our property and moving it and will have spruce, hemlock, mix of deciduous. Cemetery is formal planting and try to in addition to berm is create back drop for cemetery. The view goes through existing vegetation.

Back up a little bit – we look at contacts what is the surrounding area, views and do profiles from existing and balloons flown at 72 feet which in excess of what silos will be. Done because the bill board on top of asphalt equipment that ought to be part but 68 to 70 feet. We did a simulation with the leafs off. Visual profiles and Joanas Estate – see Owns Road and Rt 17 and Philipsburg

Road goes to Midway and Cemetery. Visual concept – where it will be and look like – visual cuts through these. Difficult to see – asphalt plant and silo at 68 feet and relation of Joanes estate and Owen Road and a natural topographic view from Owens or Jonas estate. Cross section is representative. You can see elevation from mine site are lower than the existing topographic by nature of mining. We mined this to a pit. Existing view from Crystal Run Road and the proposed view shows silos in mid ground as brief – no horizon line as result of asphalt silos in this site. This is fleeting glimpse 17 West and look from road and fleeting glimpse – see what you see in the background. Not see towering silos over vegetation. At 67 feet well within tree line and 15 to 20 ft from foreground vegetation. Taken in leaf off situation. From cemetery road – see trees existing tree line on the Tetz property. When flew balloons you can see asphalt silos shows at 67 ft and 68ft height and heights of trees are 70 to 80 feet; on visible horizon line see 15 approximately of silos without berm or planting.

Proposing backdrop evergreen 18-20 foot berm along property and 15 to 20 feet evergreen and get to his height (presentation). Mitigate view from cemetery road. Midway Road looks into the site – plant site here (presentation) well below any horizon line or intrusion of tree line and hidden in view and mitigate with planting. View that with berm and tree you can see topographic elevations that would be visible but over time get this high (present.) and mitigate views. Visible height is 15 to 20 feet from all surrounding views to see plan area. This was from the veterans memorial and what the view would be from the cemetery – the horizon line and existing tree line in the background is where height of the silos would be at 68 feet and balloons at 72 feet and that is massing you see from the veteran memorial. This is what you would see with 18 berm and planting 20 feet. Mitigating view into the site.

Here are summertime pictures shows existing vegetation and look at it now and picture but background evergreen behind summer vegetation. You can see substantial vegetation in the summer. Screen out silo heights. This is view of access road and planting. Apparent it good location from visual and not see from majority of the areas or close proximity to site. Height considerations- from the evaluation is not significant. This is 50 feet more. Maximum silo is piece of equipment narrow and compact and not scale of any type of structure. View of cell tower and stack can continue, looking from Wallkill cemetery.

Rosemary Stack, Esq.: The cell tower on Crystal Run Road.

Peter Loyola, CLA : It is a good location, visual conclusion – max visual is 15 to 20 foot structure we are 20 feet below existing horizon line and once planting is done completely any views from Wallkill Cemetery.

Rosemary Stack, Esq.: No benefit to lowering them and they don't make smaller for this site. Detriment if don't have silo have not storage and plant run longer and longer wait times for truck and increased costs. That concludes our presentation.

Rosemary Stack, Esq.: We differ this to county planning.

Mr. Mattatall: We can't act until county planning responds and they have 30 day.

Rosemary Stack, Esq.: We can hand deliver tomorrow and you have plans today.

Mr. Mattatall: Can we have notes from power point presentation.

Mr. Mattatall: Simulations based on balloon but we would like to see them ourselves – set them up.

Peter Loyola: Difficult to do with wind but can use bucket truck – call me and we will schedule.

Mr. Matatall: Any questions from the Board?

Ms Guenste: On the access road – how wide is the road?

Rosemary Stack, Esq.: 24 feet with shoulder one in and one out.

Ms Guenste: From wire fence there – starting point?

Rosemary Stack, Esq.: Yes, if driving in existing drive – not expanding it. The wire fence stay and we expand to left.

Mr. Mattatall: The 2 to 8 is where?

Jim Ullrich: Asphalt south to north on east side. There will be a demolition permit.

Mr. Mattatall: Town road – lower hill side?

Mr. Ullrich: Yes, profile here (drawing) from 50 to 700 along cemetery reduce crown to meet site.

Ms Guenste: Coming down Philipsburg Road - from this direction (drawing)?

Jim Ullrich: (from here to here) why wrap around here (drawing). The 100 foot set bck is large heavy line and have 1 foot cut , 2 foot cut, 4 foot cut, 6 foot cut and so forth.

Ms Guenste: Behind the line of trees?

Jim Ullrich: Yes.

Ms Guenste: The berm is behind the existing?

Jim Ullrich: Coming off property line preserving trees in 35 feet and improving line.

Ms Guenste: There are no nearby burial sites – appeared eventually they will use sites in the area against this. Wanted to note that. Comment made over time for trees? What is span. Would think with some grading you may have damage to existing trees.

Rosemary Stack, Esq.: No grading in 35 feet where trees will remain.

Jim Ullrich: The spruce plant grow 1 foot a year and continue to grow and screen. Peter Loyola – 6 to 8 feet and due to berming – deciduous will be over 15 feet and balance of fast growing and have planting plan and indigenous species.

Mr. Mattatal: The PB approved the position of landscape architect with whom you may be working.

Ms Guenste: It was adopted in 2002 after site in settlement discussion – why take 3 years to come for variances?

Rosemary Stack, Esq.: Under the State, you could not act until final environmental statement approved by board in June and filed within a month of that.

Ms Sullivan: The statement on the main access road – ‘only feasible plan’ – what is it non feasible?

Jim Ullrich: It is the only way in – it meets access for trucks and site goes to Philips road but have 100 foot elevation change and no way to grade road and frankly it does not offer anything that ins not better achieved at this access.

Ms Sullivan: Will the equipment stay permanent?

Jim Ullrich: Yes, a permanent installation.

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

Mr. Mattatall: We will have questions. If the public wants to speak – and you can’t make the 10/17 meeting, and ask you defer to them.

Mr. Mattatall: I open this up to questions from the Public at 10:06 pm.

Erila Reese, Goshen: I worry about the asphalt plant and am terribly frightened about what will happen. Goshen put a weight limit on road so trucks could not go out East Main Street – 600 trucks a day or 60 trucks in a day they move slowly and very big and add to traffic and imagine what happens. Goshen will close their hospital and I have had 2 heart attacks and when a child needs an emergency room they will have to battle these trucks – horrifying sight. How many of us have to die because of asphalt plant and are you individually will being responsible for this?

Mr. Mattatall: What is before us - we don’t deal with traffic and trucks – the Planning Board is trucks/traffic we are here on excavation and height of the building and understand apprehensions. We are dealing with 2 specific issues of height.

Art Boren: Questions for D. Gurbert and P. Loyol.

(to D. Gurbert): Any time you produce fugitive emissions?

Rosemary Stack, Esq.: Regarding responses – can we hold off in writing.

Mr. Mattatall: Please respond as you go along they are answered.

David Gurbert: It meets state requirements.

Rosemary Stack, Esq.: The plant does not.

Art Boren: The blue smoke traveling up/down conveyor b his own words. Blue is oil smoke is emitted. Is there a time when it emits fugitive emission.

David Gurbert: When broken the plant will not run – if maintenance issue – does car not run road that needs a tune up. We have engineers that keep equipment up.

Art Boren: ... the maintenance requirements...

David Gurbert: ... your car may need tune up.

David Gurbert: Where does moisture go – plume of smoke...

Mr. Mattatall: We look at the visual height requirement

Art Boren: Increase visual height if white plume of smoke.

Rosemary Stack, Esq.: The building does not speak to plume.

Art Boren: (To Mr. Loyola): The cross sections – were they taken at lowest grade or arbitrary or highest grade?

Peter Loyola: Regarding possible height - well in the example, Jonasas' is in wetlands with low land – highest developable thru site and to silo and over to Wallkill.

Art Boren: worse case visual scenario. Was any wind on that day?

Jim Ullrich: We got out with fishing line with so they would not be affected.

Mr. Mattatall: That is why we go out and them see them ourselves.

Public: Mr. Cody: Town of Wallkill, Veteran: We are opposed to piece in the Times Herald Record and tell Mr. Tetz we will buy first flag but this is a benefit to the town. We have to go out of town to buy black top it would save time and money and traffic and we plow roads with the trucks and maintain road to cemetery.

Public: Gladys Winzel: We are with the Bereaved Parents of Orange County: In the cemetery we have monument with over 190 names of children and this is a place parents can come and be with children in serene environment and for some only place and want it to be serene place for our children.

Public: Nicole Frank: I lived in Middletown and previously as well in Otisville, I am 30 years old and drove 11 hours to be here today. I resided 7 years in Highpoint NC and the reason I am here because my husband Keith Frank, Jr, died 3/13/05 and buried at the cemetery. Less than 50 feet from the fence line that runs along cemetery road and less than 200 feet from access road they are granting variance for. It has been less than 6 months than he died and I have made 4 trips over 700 miles to want piece and quiet with my husband because we don't get any other place than at the Wallkill Cemetery. Keith's family lives here with 22 year brother 53 mother and father, step mother and I brought him here for them – I sacrificed to bring him back to where he was born in the country side and this 35 foot height requirement they are asking for a variance that will encroach on the view of my husbands location. The cell phone tower does not make any

noise, not vibrate this silo will the access road they want to expand and want variance will accept hundreds of diesel trucks – the access road will affect the cemetery when trucks run through it. Walked through with Keith's uncle found head stones from the 1700's and 2 war veterans from original rock wall. Head stones on rock wall and fallen over left and right in the area because of vibrations of 17 what will they do to my husbands headstone and at 30 years old I bought plot and I don't want it next to me and it affects me.

Public: Kim Gadam: Speaking on behalf of myself and neighbor and adjoin the Tetz site. The Asephido's older home before civil war and my own house before civil war and another neighbor, Amegos farm and children ride trails that border site. This is a nice neighborhood and what ever variances you may approve and with respect to PB they look into noise/traffic, they have to also consider character of the neighborhood and 2 4 year old children, a neighbor 7 year old and farm serves mostly children – it's a nice quiet place to live – there is noise from Rt17 and don't have to worry about traffic in front of my house or where school bus going to run. I ask you to consider obligation to us to protect and serve us and consideration we deserve.

Public: Carl Lindow, past VET of VFW: Regarding the article (Times Herald Record) – no one from Albany contacted our post to get opinion or in Wallkill. My personal opinion – I am for the plant.

Public: Rose Descano: I am a resident of Sullivan County we brought my mom to the cemetery secrete site and it is good when earlier tonight some defend Walmart and having problem with the cemetery. It will affect the look of the cemetery. Remind Tetz that adjacent use to be former mining site – not know how longer – and the cemetery is established and grave sites are growing very quickly.

Public: Paul Graham: 124 sons of civil war – think about last several years and casinos in Gettysburg and a local issue – a cement plant near cemetery. It is resting place and there are veteran's graves from Revolutionary War, Vietnam, Spanish American and 2nd Continental Congress is buried there. It is important to stress affect. As a person in national organization of the Civil War, did not think we would be fighting – its about encroachment of our past and development where ancestor's would roll over in the grave if they know of this. We represent or Sullivan and Rockland counties and speak for those who can no longer speak for themselves. Preceding organization people civil war and 150 people there and Mr. Miller and others. Get an idea of the significance of the cemetery. What would be next door. Asphalt plant generate asphalt and cement they have to cover as much as possible what goes on. Rock crushing facility washing 200 truck parking lot and 72 foot conveyer. It will have 24 feet wide with 6 foot right of way one road in – to no where. Farms and houses will be everything of serene or attend funeral with asphalt smell and trucks roll by disturbing prayers. People who present this will want to be buried. It is meant to be a final resting place – how can we honor them those who have given their lives for use. What will plan mean for descends of the future. Restore pine hill cemetery and how grant variance be seen and how affect town law to preserve integrity of burial site and health/safety of its residents. Consider how it will impact law protecting cemetery in your town. The setback if approved will do irreparable harm to burial site and to health/welfare which I appreciate even though I don't live there. Go against current law and cemetery protection. In reference for plans – 20 years ago mining site – what was the noise, 200 diesel trucks a day – tend to think now. If you look at photos adjust for height we will have trees – we will protect site from site being seen.

On pictures they showed you site is not highest peak it is near the lowest – cell tower don't buy their argument – do what is right.

Public: Joe Haspal, Esq. representing the Cemetery : Comment to those here – it is the ZBA people should come to the PB 10/19 because they have more to say than the ZBA. I have lot to say before the attorney speak. I am troubled by what Ms Stack said – settlement prior to the cemetery protection being enacted. – what is relevance – it is a zoning ordinance applies to this – to build the road excavate road and in violation to cemetery protection act. The fact made deal with supervisor does not change your task of enforcing your procedures. Why did they bring it up.

Public: Mary Ann Jewel: I have daughter who died at a day and half old in the cemetery and the photos don't represent the highest point because that is where she is. We paid thousands of dollars so my 3 children can visit Claire in piece. In numerous occasions things have been stolen and creating more traffic and can't tell me more things won't happen – head stones knocked over. He lives on Mt Joy Road let him build it on his road – where he would have discussion with his daughter and see how he would feel?

Public: Lu Ann Smith Roose, caretakers: I know the trucks will do stone damage when the mill was there they were dump trucks not humongous trucks – now talk about drainage from rain. The road is in poor condition – when winter comes and plowed it is a heap of mud and if you have plot you can't get through ground to bury loved one. Parents buried in that area and can see and the highest point is soldiers hill you are looking at that is where memorial is. Trucks die not go over stones – several damage was done. Worse thing in orange country – Midway Park will be destroyed by the vibration. Any one think about history that went into there? 11/14/59 and some people are buried there – all historians of OC.

Public: Lynn Healy, Amegos Farm: We have 47 acres adjacent to this and for the past 7 years have had a commercial horse facility and accessed in Goshen, 17 acres woods adjacent to the pit – natural wooded area for turkeys, provide training and boarding lessons. Lessons and 3 houses from plant and the plant impact quality of life and negative impact on business. The outdoor arena on the road – people not want to ride horses. Already doing helicopter runs – distracting to everything. Relocated from Bergan County and nice environment and value tripled and decline if this goes in – I won't want to live there.

Public: Jim Applegate, Goshen: I agree with most who are against – concerned about cemetery road – how many traveled on cemetery road? I know you familiar what I am going to talk about. Talk about the 36 feet wide road now and the sharp bends – the horse farm, and further down, 20 feet and dangerous bend going in to Goshen, gullies on each side – say take any extra feet from cemetery but other side – means you look 16 from the farm...

Mr. Mattatall: Access on Tetz's road.

Public: Jim Applegate: They have to widen the road. It will have to be 36 feet.

Mr. Mattatall: It has to fit what town engineer states.

Public: Jim Applegate: Two (2) 8 foot wide cars have trouble – and if you widen to 36 so take 16 from tennis owners, horse farm, from new owner built home opposite taxidermist and further down. Where money for new road and pave come from – from the tax payer – Mr. Tetz doesn't

have to and the maintenance. Is that what you want or interested in having tax payer do? Thank you.

Public: Ellen Berrara, Goshen: The ZBA also has to take into character of the neighborhood, it says in keeping? Talk about traffic and types of vehicles 6a to 8a myself – time trucks leaving on Monday, Wednesday and Thursday and during this time on Friday other than passenger – 1 Goshen truck, bus, panel truck; wed – garbage; m – one panel, one waste management, 1 dump truck and 2 recycle trucks. The applicant admits to 255/hr how keep in current use of road and character. The horse farm – I spend time with my 10 year old and can rid along ridge overlooking the pit with nothing to scare horses – the place will be totally unsafe on their own property because of noise and unsafe for children – mainly children 40 children a week take lessons. That is character of nh right now.

Public: Tom Pahooke, OC Legislator, representing the 21st area with Philipsburg road in the TOW: Frank Bernari and I wrote to the Planning Board. A law maker for 12years in OC government and discuss law and variance cemetery law of 2002. we deal with laws and basic tenant for llaw and basic values of our culture 1) cherish birth; 2) promote health/welfare of living; 3) protect our respect dead. The law in 2002 is protection of basic tenants of our society/culture. I was amazed the gentleman brought up the fact inferring of a deal with applicant and town pre-dates cemetery law of 2002 – it is there to protect for those over 400 who will negatively impacted and protect them and our job looking at varying from the law which they want you to dismiss that protection. Not talking about side yards for sheds or house as heard tonight. Set aside basic tenants of our civilization for ratable or applicant move to one part of town to another –human life and what we are. I urge you protect 1400 people who went before us as we will surely be joining them some time.

Public: Jim Wolfe, president Walkill Cemetery Board of Directors: We want you to know we have lost sales on plots because of this project and get calls from people like this young lady here, justifiable so wanting to know what is going to happen. Devastating to cemetery if this goes through – we will not be able to survive – 14000 there now and 10000 open. Everything developed is just below driveway going in and no buffer and 3700 feet of road and traffic , and noise an have descent burial there – don ‘t think I would want to b buried there. It is 250 year old – older than the United States.

Public: Ralph Huddleston, Goshen: In my opinion on impact is well documented as previous expert against on previous plans before board and Chair of Goshen Planning Board and understand limits of the board and see the board work before and grant variances and remind you that you issue variances where they make sense and where you are not contributing to significant impact to life and environment. And what you have heard here tonight – I think if you stay consistent with what you have done historically – it does not make sense and will contribute negatively to the area.

Public: Honey Bernstein, Supervisor: Thank you for giving residence to give comment and like to submit lengthy letter (ATTACHED TO THE FILE) – try to summarize the letter. Your section of code which governs to give area variance or not – you should consider it with master plan. The reset of the town board is here tonight as well.

Chapter 1 master plan – states this foundation on previous plan of 1974 provides for major secondary uses concentrated in this area – house low traffic industrial uses and high traffic establishes on major roads/state highway. The close plant would be commercial traffic generator

and not on highway violate 1974 master plan. The new plan site of industrial uses. They cited appropriate use of industrial land and suitable uses. Its our opinion the variances would not be in harmony in surrounding area or access. Impacts to area would be enormous and if approved violate new and old master plan. State and local law mandates you consider substantially of request. Simply - can't be disputed they are substantial and double the limit and setbacks and roadway for cemetery and more than 50% required. Comment to master plan – regional consideration of impact of industrial development with municipalities. Our plan got award for – it was determined area adjacent most sensitive area in the town. Approval of grant request result in negating Goshen transform quiet to undesirable neighborhood and reel from traffic from plan of this magnitude. Cumulative planned industrial sites will transcend political boundaries. The new plan for immediate plan for with regard to this zone. When you get to doing zone code if this use not suitable for zone or zone is better and give approvals and applicant does site and use the site for the purpose intended negate zoning code.

Finally – substantial character of the neighborhood and detriment to neighboring properties. The traffic and pollution all affects the neighborhood's character. One neighbor said 2 potential buyers fell thru once found out. Two parts of the application was denied because proposal would not adversely affect the neighborhood and not impair public safety health and welfare and the PB agreed with it. Other uses medical, restaurant . immediate uses in MI zone be reviewed. County traffic will negative impact on people visiting these facilities. Town was vindicated. If proposed use for Wallkill at previous site bad for you will be adverse for us in proposed site to you. We were proud of the first cemetery law and to grant variance will be a failure of protecting the town's main cemetery and dishonor those there. I emphasize with decision you are faced with and hardest to make. The world as we knows we need prisons, and asphalts plants and site for such use is most suitable not suitable. Changing irrevocably its character does not make your job easier. It is important to consider regional impact of decision with long lasting affect on Goshen residents and adjacent and those accessing the site. When they said they may be exempt as they are not buildings and in answer to Ms Sullivan – equipment permant – it is part of real estate and not within definition of equipment.

The fact cemetery law enacted after settlement of cemetery law is irrelevant they don't have vested right to change in law. Thank you for hearing our residents and we have seriously various types of impact for our town. Unlike Wallkill, we depend on underground water for our needs and this is in our smallest water shed and hope you will consider character of the neighborhood and the environmental impact to Wallkill and Goshen as well. Thank you.

Mr. Mattatall: I Move to continue the Public Hearing to October 17, 2005 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

MEETING CLOSE:

Mr. Mattatall: There being no further items to be presented to the Board, discussed or voted upon, I Move to close the Meeting at 11:06 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL ZONING BOARD OF APPEALS

SEPTEMBER 12, 2005 MEETING

DECISION SHEET

CONTINUANCE:

John Romano Request for a variance of 249-28 (rear/side yards & landscaping)
4) rear yard from 50ft to 12ft;
5) side yard from 50ft to 23ft; and,
6) landscaping from 50ft to 10ft.
For expansion of his practice.
Property located at 18 Golf Links Road
(SEC 78 BL 1 LOT 42); Designated PID.

DECISION: Variances granted.

PUBLIC HEARINGS:

Lawrence Bedosky Request for a variance of 249-22-D (a)
1) yard depth (from 100ft to 90ft)
For construction of a single family house.
Property located at 35 Fairfax Avenue
(SEC 75 BL 6 LOT 11.10); Designated R1.

DECISION: Variance granted.

Devon C. Scott Request for a variance of 249-22-D (side yard set back).
1) side yard set back from 15ft to 11.8ft
Property located 92 Ridgewood Avenue
(SEC 75 BL 11 LOT 9.1); Designated R1.

DECISION: Variance granted.

Robert & Kim Brooks Request for a variance of 249-22-D (side and rear yard set backs)
for construction of an expanded deck.
4) side yard from 15ft to 9ft;
5) side yard from 15ft to 3ft; and
6) rear yard from 30ft to 21ft
Property located at 43 Mayer Drive
(SEC 76 BL 8 LOT 45); Designated R-1.

DECISION: Variances granted.

Damaris & Jerry Heredia Request for a variance of 249-22-D (rear yard setback)
4) side yard from 15ft to 3ft;
5) side yard from 15 to 5.5ft;
6) rear yard from 30ft to 17ft
For construction of a deck.
Property located at 16 Evan Court
(SEC 76 BL 8 LOT 28); Designated R-1.

DECISION: Variances granted.

Richard Kruseck Request for a variance of 249-19-D (rear yard set back)
1) rear yard set back from 70ft to 53ft.
For construction of a 26 x 32ft addition.
Property located at 234 Ridge Road
(SEC 32 BL 1 LOT 44.1); Designated RA

DECISION: Variance granted.

Diana Ziemelis Request for a variance of 249-22 (lot size and width)
5) lot width from 80ft to 50ft;
6) front yard set back from 35ft to 12.1ft
7) side yard from 15ft to 14ft, and
8) area from 12,500 sq/ft to 6890 sq/ft.
Property located at corner of Victory Street
and Brookline Avenue
(SEC 75 BL 9 LOT 1); Designated R1.

DECISION: Variances granted subject to,

That the dwelling remain a one story occupancy residence.

Wall-Mart Stores, Inc.
(Snyder & Snyder, LLP) Request for a variance of 249-8-A(5) (accessory building in front
of primary building).
For installation of filling station pumps.
Property located at 300 North Galleria Drive
(SEC 78 BL 2 LOT 5.12); Designated MI.

DECISION: Variance granted.

Leonard & Catherine M. Alesci Request for a variance of 249-3 (accessory building)
1) from the permitted 28x28ft to 52 x 36ft;
Property located at 49 Maples Lane
(SEC 22 BL 3 LOT 22.1); Designated R2.

DECISION: Variance granted.

There's Your Sign Request for a variance of 249-11 N (1)(A)(2) (signs)
(Cheeseburger In Paradise) 1) to permit additional signs:
a) 90 sq/ft self-contained lit sign not yet constructed;
b) 124 sq/ft painted mural (existing);
Property located at Fair Grounds Plaza
(SEC 50 BL 2 LOT 35); Designated HC.

DECISION: A) Variance granted.
B) Variance denied.

E. Tetz & Sons, Inc. Request for the following:
4) interpretation of Ordinance 249-8.1 and 249-27-D
5) definition of 'excavating
6) variance of 249-27 (D) (height from 35ft to 72ft)
Property located at 81 Cemetery Road
(SEC 78 BL 1 LOT (s) 29, 28.21, 28.22)

CONTINUED: October 17, 2005 Meeting.

EXTENSION:

Absolutely Flowers Request for 6 month extension. Original variance granted on
September 13, 2004

DECISION: . Denied as request was received after 6 month
variance expiration date and can not be heard by the Board.

Glen Brinckerhoff Request for an extension of variance on lot width from 200 to
(Charlotte T Verdi & 125ft issued to Verdi/Caruso Land (SEC 64 BL 1 LOT 48.1)
Josephine Ann Caruso) Designated RA On April 11, 2005.

DECISION: 6 Month extension granted.