

TOWN OF WALLKILL ZONING BOARD OF APPEAL
SEPTEMBER 13, 2004

PRESENT:

J. Mattatall
W. Morgan
E. Raffo
R. Schoenberg
O. Smith, Chairperson
P. Thompson, Secretary

Joseph A. Owen, Esquire

MEETING OPENING:

The September 13, 2004 Zoning Board of Appeals meeting opened with the pledge to the flag followed by the Roll Call and presentation of the August 9, 2004 Meeting Minutes.

The following correction was noted:

Applicant: Miller Location should read 209 Wisner; not York Ave.

The Motion was to accept the minutes as noted; Seconded; All in favor; Motion Carried.

The following applications were reviewed for October 18, public hearings conducted and voted upon as note.

HEARING REVIEWS (October 18, 2004)

JANOS LECEI (Lot width from 200ft to 150ft)
655 Ridgebury Road (SEC 46 BL 1 LOT 46); Designated RA.

Mr. Smith: You want to change from 200 ft to 150 ft for property on Bart Bull Road?

Mr. Lecei: Everything was told to me by the planning board. When I bought it was buildable and now I am trying to build now that I have money.

Mr. Smith: Were you here previously?

Mr. Lecei: Yes for a much bigger house. Not the same house.

Mrs. Thompson: The soils are needed?

Mr. Lecei: I don't know, I fired the engineer.

Mrs. Thompson: I walked the property and it is kind of wet.

Mr. Lecei: It was marked and he said 700 feet is buildable. He put his name on the survey.

Mr. Smith: We need the soil types and have the engineer write the Board with the types of soils on the property.

Mr. Lecei: I did not know.

Mr. Smith: We must have this information in a couple of weeks.

Mr. Lecei: I need to get another engineer.

Mr. Smith: When you get one he can notify us in writing of the soil types.

Mr. Lecei: No problem.

Mr. Schoenberg: How big is it?

Mr. Lecei: The maximum is 50x50 allowed by law and one floor.

Mr. Smith: I Move to hold a Public Hearing on October 18, 2004 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Smith: 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 two weeks. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. The mailings must be sent either by certified or registered mail. Bring the proof of mailings with you to open your Public Hearing. It can't be opened without your proof of mailings.

LORRAINE & DEMETRIOS MOUZAKITIS (rear yard setback)
27 Amy Lane (SEC 35 BL 4 LOT 15); Designated R-2.
Rear yard setback from 30ft to 13ft.

Mr. Smith: This is a review of your application and need rear yard set back but for what? A pool, deck?

Ms Mouzakitis: A deck.

Mr. Smith: You have to put on here (application) what you are doing.

Ms Mouzakitis: I gave the building inspector a diagram.

Mrs. Thompson: (Showed something)

Ms Mouzakitis: No, I drew a map on the back of the application.

Mr. Smith: I can schedule you for next month but take photo copy of the survey and draw it to scale so we can see the setbacks – which side and exactly where it is.

Mr. Mattatall: Is it an existing deck?

Ms Mouzakitis: Half existing.

Mr. Smith: We need to see it exactly. Send 11 copies.

Ms Mouzakitis: I gave her 11 copies. To the lady who works in the room there. Blond headed lady – about 4 weeks ago.

Mr. Smith: Speak with them again and make sure we get a copy. We can't have the hearing until we see exactly what we are looking at.

Mr. Smith: I Move to hold a Public Hearing on October 18, 2004 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Smith: 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 two weeks. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. The mailings must be sent either by certified or registered mail. Bring the proof of mailings with you to open your Public Hearing. It can't be opened without your proof of mailings.

Mr. Smith: Go to the tax office and they will give you the list of names. Take the notice from the paper and make the copies to match the number of names and mail it return receipt mail. Make sure we get marked up drawing so we can see off sets or distance to side lines, back lines and so on – we have to see that. Look in the paper.

STEPHANIE G. SPENCE (front/side yard setbacks)
10 Pleasant Avenue (SEC 37 BL 13 LOT 24); Designated R-1.

Mr. Smith: We have a problem with needing to know what is the need.

Ms Spence: Porch on the front of the house.

Mr. Smith: That is it drawn there.

Mr. Smith: We will need some more detail.

Ms Spence: There is an inset in the front with cement stairs which is removed and put a covered deck in there with a roof. It's a porch.

Mr. Smith: One step down to sidewalk?

Ms Spence: It is about 4 steps. There should be a drawing.

Mrs. Thompson: Driveway or front?

Ms Spence: In front by the driveway.

Mrs. Thompson: Its less than 20 feet from the front.

Ms Spence: That is why I am here because it is not enough.

Mr. Smith: We should note what the stairs are as well. Have stairs put on the application as well.

Mr. Mattatall: They are part of the drawing?

Ms Spence: Yes. There are block stairs now. He will put in wooden steps as are there now.

Mr. Smith: Side yard 15 to 14.55ft; front yard from 35 ft to 22.6ft.

Mr. Morgan: Size of the deck will be?

Ms Spence: I am not sure of exact size – that space is 4ft – not very big – and 7 feet long – very small porch.

Mr. Smith: You will need 2 variances: 15 to 14.55 and 35ft to 22ft 6 inches variance.

Mr. Smith: I Move to hold a Public Hearing on October 18, 2004 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Smith: 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 two weeks. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. The mailings must be sent either by certified or registered mail. Bring the proof of mailings with you to open your Public Hearing. It can't be opened without your proof of mailings.

CRAIG A. ZEMAN (front/side yard set backs 35ft to 18ft; side yard from 15ft to 14ft)
18 Willow Street (SEC 76 BL 2 LOT 2); Designated R-1.

Mr. Smith: You have everything here. It is difficult to read.

Mr. Zeman: That is why I gave you one I drew.

Mr. Smith: It's a little better. I am not clear on your request?

Mr. Zeman: An addition to the front of my house.

Mr. Mattatall: You will square off what you have.

Mr. Smith: The 18ft is the length?

Mr. Zeman; It is 29ft.

Mr. Smith: The setback is 18 feet. The garage encroaches on the street. The garage has been there a while?

Mr. Zeman: Yes, before I owned it.

Mr. Smith: David Babcock did it?

Mr. Zeman: I believe so.

Mr. Smith: Anything else from the Board? (no).

Mr. Smith: I Move to hold a Public Hearing on October 18, 2004 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Smith: 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 two weeks. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. The mailings must be sent either by certified or registered mail. Bring the proof of mailings with you to open your Public Hearing. It can't be opened without your proof of mailings.

CONTINUANCE (August 9, 2004)

JRJ HOMES: Request for a variance of 249-19-D-1 (lot depth) from 300ft to 182.57ft; Property located at 238 Ridge Road (SEC 32 BLOCK 1 LOT 44.221); Designated RA.

Mr. Smith: Continuation from August 2004.

Mr. Smith: We received a letter.

Brad Cleberley, Engineer: We looked at OC soils map and provided info based on the subdivision regulations and environmental control formula and each of acreage each and came up with a quota and 1.00 for environmental quota. It meets the regulations.

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

Mrs. Thompson: Most need 3 acres.

Mr. Cleberley: This is an existing lot and this does not apply to existing 2 acre lot. We did perk tests and meets septic in accordance with other regs for septic field. It was occupied until recently.

Mrs. Thompson: It was a lot that happened.

Mr. Cleberley: I can't speak for what happened in the past.

Mrs. Thompson: Can you get more property on each side?

Lisa Szeto, Country Scape Properties: One side is owned by Orange County and other by the Wheldon Firm with tons of acreage and notified so we are not acquiring his nor he ours and they gave us the blessings based on our cleaning the lot and more to do when we work on the lot and waiting for excavator to start.

Mr. Cleberley: It is an improvement of what is there.

Mrs. Thompson: We are worried about the soils.

Mr. Cleberley: They are in accordance with the regs. We have done the soil testing and it meets septic regulations. The perk was: 2 perks done as shown on drawing between 40 and 60 minutes and used that as septic design.

Mr. Mattatall: Where on drawing is the perk test?

Mr. Cleberley: They are shown within #1 and #2 by laterals one on north and south side of septic field.

Mr. Mattatall: When shrunk down it is hard to find.

Mr. Cleberley: We did perk on soils that are out there.

Mr. Smith: Any comments from the Board?

Mrs. Thompson : I am wondering where they will put the well? Given the 100 feet?

Mr. Cleberley: The existing well which we don't have info on will be abandoned and a new one proposed north west of the house more than 200 feet from adjoining property owner's wells.

Mr. Smith: Any comments from the Public for JRJ? (No)

Mr. Smith: BNC is 77-C.

Mr. Smith: I Move to close the Public Hearing at 7:50 pm; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the variance 238 Ridge Road 32-1-44.221 variance 249-19-D-1 depth of lot from 300ft to 182.57ft; Seconded.

DISCUSSION:

VOTE:

In favor (aye):	6
Opposed (nay):	0

DECISION:

Mr. Smith: The variance is granted, please see the Building Department.

PADAYA:

Not present; request to continue on October 18, 2004 at 7:30 pm or as soon thereafter as the matter can be heard.

PUBLIC HEARINGS:

JANET BARBERIO: Request for a variance of 249-12(F): 1) off-street parking spaces required from 23 spaces to 15 spaces; 2) front yard set back from 35ft to 14ft;. Property located at 430 Rt 211 East (SEC 53 BL 5 LOT 2 and 3); Designated HC.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:09 pm.

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

Kevin Dugan, Fellenzer Engineering: I have question, when we spoke last month, we asked for 2 issues: parking and front yard setback. It was not in the notice and we talked at the last meeting. We wanted to add in the set back.

Mrs. Thompson: It was not in the notice.

Mr. Dugan: Because of the existing non-conformance of 14 feet and storage flush with the building in the front lot and width is additional non-conforming and the green house you thought we might need variance because adding to the non-conformance.

Mrs. Thompson: It was discussed.

Mr. Smith (looked at the August Meeting Minutes)

Mrs. Thompson: Will the greenhouse come out further than the porch?

Mr. Dugan: No. It will become one line; we will not extend it; we are 14 now it will stay 14 feet. Question last month was if we are adding to the non-conformance in terms of actual linear footage we will add to it at this time.

Mrs. Thompson: Handicap parking is going to be where?

Mr. Dugan: 8 feet off the road from the white line – probably on the property line and we can flip flow the striping. We tried to put it near the front door.

Mr. Smith: HC the variance for the set back is 14 feet from the front yard from 35ft.

Mr. Dugan: Correct.

Mr. Smith: That is 249-25.

Mr. Dugan: We are asking for the existing site plan proposed 23 parking spaces we have 14 shown. Spoke to Mrs. Barberio's next business and they don't use the spaces (Nextel) and other area is storage for product.

Mr. Smith: Can you get on on the lower side?

Mr. Dugan: Its possible to get into the area.

Mr. Smith: You are increasing showroom space and the parking lot will be full with new customer.

Mr. Dugan: We can fit one more over that way; tough part is turn around.

Mr. Smith: You can.

Mr. Dugan: We can put that in making 15 existing.

Mr. Smith: Any questions from the Board?

Mrs. Thompson: What happens when you give away roses.

Mrs. Barberio: We gave away 25k.

Mrs. Thompson: How deal with the parking?

Mrs. Barberio: I have been here 17 years and people stop by the smoke shop where there are accidents. Its because when you limit them they slow down. We people come in and out.

Mrs. Thompson: For normal business its fine.

Mrs. Barberio: We work together and come in together as we are all family on holidays. You won't see a car and know parking is for customers. There are mothers and valentine's day that are busy.

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

Mr. Smith: I took a walk and stuff thrown there? There is big compressor or refrigerator.

Mr. Dugan: A cooler she has had for a few years and could not be used because site plan did not allow it.

Mrs. Barberio: It's the old one that will be replaced. We call to get shopping carts picked up.

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

Mr. Smith: I Move to grant the following variance for 53-5-2 and 3 for variance 249-12-F : 23 parking to 15 spaces; front yard 35 to 14ft; Seconded.

DISCUSSION: (None)

VOTE: In favor (aye): 6
Opposed (nay): 0

DECISION:

Mr. Smith: The variance is g ranted, please see the building department.

XL- LOT #1: Request for a variance of 249-22-D (front yard and read yard reduction): front yard from 35ft after 10% allowance roof overhang - 8" variance granted to permit front porch overhang; 2) rear yard from 30ft to 23ft for construction of a deck. Property located on Third Street (SEC 52 BLOCK 12 LOT 1.31);

Designated R-1.

Mrs. Thompson: The mailings were reviewed by the board and filed by the Secretary. The Public Hearing Notice was read at 8:23 pm.

Mr. Smith: I Move to open the Public Hearing at 8:24 pm.

Mr. Lippman; I have some new maps to shed light on variances. I think I am giving you all of Lot #1. So we don't have to cover ground a second time since your last hearing can we agree the record of the last hearing will be incorporated into this hearing.

This is Lot #1 if you will notice we have changed size of the deck 7 ft as we had indicated we would. 7 feet of the deck which on Lot #1 puts it 6 feet beyond required setback at 6 against 35ft. if you look in the front you will see porch 4ft 2 inches beyond setback line (you see legend on the front). The building inspector brought to our attention of zoning provision he deems applicable to this application 2 49-9-C under exceptions to side yards and application to this projection is variance of less than one foot. 3 ft 6inches subtracted from 35ft. We need, therefore, an 8 inch variance for roofed extension of the house. Have I lost anybody?

Mr. Smith: You say side yard, but it's a front yard.

Mr. Lippman: 35 ft front yard and the porch or roof is 4 feet 2 inches within the 35 foot set back; section I read to you allows us 3 and a half feet with a roof.

Mr. Smith: The over hanging roof not to exceed 10% of yard depth.

Mr. Lippman: You get a credit so you don't include 3.5ft of the roof. Mr. Steenrod brought it to our attention and to you. The variance is reduced to 8 inches I believe.

Mr. Smith: You are down to 1.0 foot

Mr. Lippman: It is 4 ft 2 inches over building set back line. I don't know what 4ft 6 means; it is pretty clear.

Mr. Mattatall: Does it have a floor?

Mr. Lippman: Concrete stoop and allows 4x4 is allowed and told your client.

Mrs. Thompson: Why didn't he tell us?

Mr. Lippman: I don't know. Now.

Mrs. Thompson: The future road line does that have anything to do with all these setbacks?

Joseph Owen, Esq.: It should not because it's a future road line; not a road line now.

Mr. Smith: The way I read it 4ft 6 inches; porch is 4ft 2 inches over.

Mr. Lippman: The worse case - we need one foot; its 4 longer than I am say it is.

Mr. Mattatall: We vote, a porch is a deck no difference. I am missing something, it is a cantilevered roof and no mention of anything below it which would allow you to build it. It does not address what is under the roof with pylons and has nothing to do with the front of the house.

Mr. Lippman: We have a canopy roof which projects from the front of the house. You can see steps out in front and not under the roof.

Mr. Mattatall: Steps are part of a porch.

Mr. Lippman: The porch if that is...

Mr. Mattatall: What is under the roof is...

Mr. Lippman: We have not poured the platform and to his specs.

Mr. Smith: That is only thing not poured out there. I come out with 4 inches over for a variance. I am not counting steps. The porch is 4 ft 6 inches. 4ft 4 inches is within the building envelope. So its 4ft 6 inches long.

Mr. Lippman: It is 4ft 2inches over the line encroachment.

Mr. Smith: You are getting 3 ft 6 inches and you are also 4 inches inside the building envelope.

Mr. Lippman: It is negligible 1 foot or 8 inches. Now, I hoped you would go to Lot #2 which is easier. In the back the deck is 6 feet beyond the setback at the worse or 4.5 or 5 at the best. It is still not in my view substantial variance and I have listened to what has gone on tonight. You reduced 35ft to 14ft which is more than half the requirement.

Mr. Smith: It was different zoning than is existing.

Mr. Lippman: Right now this is existing.

Ms Raffo: That is not our fault.

Mr. Lippman: In view of what is behind this building and likelihood of anyone coming in behind it is insubstantial variance and is minor and don't procedurally act on one before hearing second.

Mr. Smith: You have 2 variances on different lots.

Mr. Lippman: The deck is substantially different on Lot #2.

Mr. Smith: We have 2 separate hearings.

Mr. Smith:

Mrs. Thompson: We need to send message to builders and follow code and don't come in afterwards with 'we have a problem'.

Ms Ruffo: Yes, I can understand the front and not much over and Mr. Steenrod but the 7 foot deck is not a minimal variance. We are required to give minimal variance and that is not a 7 foot variance.

Mr. Lippman: What is minimal?

Ms Ruffo: A landing; 7 foot deck is not minimal variance.

Mr. Lippman: I hear you; I can't quarrel with the logic.

Mr. Mattatall: I concur with that and don't read the same and don't get free buy because there is an overhang. When you build from ground up you increase the foot print of the house.

Mr. Lippman: I understand that; without regard of setback he permit 4x4 plat form as you leave the front door if it is within the setback or not.

Mr. Mattatall: I agree.

Mrs. Thompson: Why don't we have a letter to that affect.

Mr. Lippman: Mrs. Thompson, with due respect, to send message to building community to have one guy have his head chopped off he is the scapegoat. I said was I don't think way to send message is to chop off one builder's head off. You placed in issue in the last meeting when you reviewed this, if this arose by design than by accident. You said tonight we aught to send message about sending prior approval and the building inspector was at last hearing and through filed plan the structure was proposed and permitted. Mistake made by everyone involved including building inspector and not case where someone tried to take advantage and brought it to his attention. Did not try to hide it. The plans included deck and roof overhang. They are here if you want to see them again; no other building plans.

Mr. Smith: If the building inspector will accept 4 foot landing you don't need a variance and trim back the overhang. If landing 4 feet coming out the roof should match the landing.

Mr. Lippman: Roof beyond what 4 foot stoop allows and one or more steps under the roof.

Mr. Smith: You show steps here. If steps covered you need different variance. Porch is intended to cover landing. If that is the case, take roof down and put in smaller and don't need a variance.

Mr. Lippman: I can do that but is that the way you react to this type of application. I don't understand for lousy 8 inch variance tear down and rebuild it?

Mr. Smith: 8 inches? The porch will cover the steps and comes out quite a way.

Mr. Lippman: It shows them uncovered.

Mr. Smith: If they say porch is 4ft 2 inches – the porch roof?

Mr. Lippman: SO help me God, I wish I knew what he meant by porch. All I am asking is for 8 inch or 12 inch variance.

Mr. Smith: That is not the issue, we are back to the deck. I agree with what has been said. 7 foot is not minimal variance. We are obligated to grant minimal.

Mr. Lippman: It was designed for recreational purpose, sit in the sun or rain, it is not something bargained for as a landing in the design of the house. It is not a-typical design and typical with deck off the second floor. If you tell me we can get by with 6 foot but in frankness...l

Mr. Smith: I don't know with minimal is...

Mr. Lippman: You can't get anything from deck less than 6 feet.

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

Mr. Smith:

Mrs. Thompson: I have said all I am going to say.

Mr. Smith: Do you want us to vote on them together or separately?

Mr. Smith: We are required to consider if other means are achievable by the applicant. No undesirable affect to the neighborhood. It is substantial – deck – no adverse environmental affect – still have self-created difficulty.

Mr. Lippman: I don't know how but hear you but no bearing to the area variance.

Mr. Smith: We have 2 problems.

Mr. Smith: I Move to close the Public Hearing at 8:48 pm; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following variance Lot #1 on sub division map: 2) rear yard variance 30ft to 24ft; Seconded.

DISCUSSION: (None)

VOTE: In favor (aye): 1
Opposed (nay): 5

Mr. Lippman: I thought you meant to vote on Lot #1 and #2. I would not have suggested that.

Mr. Smith: A correction to the vote, the vote is on Lot #1 only.

Mr. Smith: I move to grant the following front yard variance: from 8 inches from 35ft setback to considering 10% overhang it will be 8 inches in total; Seconded.

VOTE:

In favor (aye): 6
Opposed (nay): 0

DECISION:

Mr. Smith: The variance is granted.

XL – LOT #2: Request for a variance of 249-22-D (front yard and rear yard reduction; 1) front yard from 35ft to ft to permit front porch overhang; 1) rear yard from 30ft to 29ft 9 inches for construction of a deck. Property located on Third Street (SEC 52 BLOCK 12 LOT 1.32); Designated R-1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:53 pm.

Mr. Smith: The Public Hearing is opened at 8:54 pm.

Mr. Lippman: I am giving you new maps. If you will look at this plan of the front you will see legend porch is 3ft 8 inches beyond building setback line and if reading correctly it is 2 inches. Is there any need to address that further.

Mr. Lippman; This deck is virtually within the setback – looks like less than one foot one and 1ft 3 inches on a seven foot deep deck. I have no way of measuring what minimum variance is required, I think God may have an idea but I don't. it is insubstantial; not substantial at 1ft 3 inches. You can look at the other 3 standards for your activity tonight but think in order to be useable you need 6 or 7 feet in depth; most are minimal of 8 and go to 10 or 12. This is not a major size at 7 feet.

Mr. Smith: Any comments from the Board?

Ms Raffo: This may not be major variance but we are required to approve the minimum and here to protect the Town and building setback line for a reason.

Mr. Lippman: That is correct and you are here as relief valve when conformity creates difficulty for applicant. Hardship is not standard here; if benefit we seek has impact on general health and safety of area and frankly don't see welfare will be affected by 1 foot 3 inches and slides down to nature of 6 inches. Not substantial by anyone's measure and requirement is 30 feet and talking about 1ft 3 inches and not 5 per cent of requirement may be 1 and a half per cent and variances routinely by this Board of 50 per cent or more. No reason to single out this application for harsh treatment giving message to this builder and all other builders it is not fair.

Ms Ruffo: I said no such thing.

Mr. Lippman: I did not say you did.

Mr. Smith: All new construction is being looking at in a narrower fashion.

Mr. Lippman: There is no standard...

Mr. Smith: A deck is not necessary. We have only to give minimal to address practical difficulty.

Mr. Lippman: Anyone can create angle and create deck 5ft 9 inches and 6ft 8 inches on the other side. We will have a deck one way or another. Does it make sense to put up deck practically speaking not even marginal in terms of size?

Mr. Smith: The lots are under sized and build smaller house and put in proper deck. The house is there.

Mr. Lippman: Had anyone known we would have been here. No point in designing house that requires a variance.

Mr. Schoenberg: Is there a burden on the builder here?

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

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

Mr. Smith: Do you want us to vote on variances separately on Lot #2?

Mr. Lippman: Separately.

Mr. Smith: A two (2) inch variance on the front yard.

Mr. Smith: I Move to close the Public Hearing at 9:03 pm; Seconded; All in favor ; Motion carried.

Mr. Smith: I Move to grant the following variance on Lot #2: 1) 2 inch variance on the front yard to permit porch roof overhang; Seconded.

VOTE:

In favor (aye):	6
Opposed (nay):	0

DISCUSSION:

Mr. Smith: The variance is granted.

Mr. Lippman: A comment on the rear, I am very intuitive as to where you may be going, can I slice it back to 6 feet for 3 inch on one corner and within in on the other.

Ms Raffo: Why can't take it back 1 foot 3 inches and no variance is needed?

Mr. Lippman: Okay.

Mr. Lippman; I prefer you vote on 6 foot.

Mr. Smith: I Move to grant the following variance: 2) rear yard from 30ft to 29 feet 9 inches;

VOTE:

In favor (aye):	4
Opposed (nay):	2

DECISION:

Mr. Smith: The variance is granted.

KAREN GAREWAL & JAISON JOSEPH

Linda Szeto, Country Scape Properties: Request a hearing on October 18, 2004 at 7:30 PM or as soon thereafter as the matter can be heard.

Mr. Smith: We did the review and it will be necessary to republish at the applicant's cost and to do the mailings.

Mrs. Thompson: You can get the list of names from the Tax Office.

Linda Szeto: Thank you.

MICHAEL & KEITH BERLIN (9 Red Maple Lane): Request for a variance of 249-49 (D): lot width from 80ft to 75ft; 2) lot depth from 100ft to 99.66ft; 3) area from 12,500 sq/ft to 7,487 sq/ft; Property located at 9 Red Maple Lane (SEC 52 BLOCK 7 LOT 2); Designated R-1.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing was read at 9:08 pm.

Mr. Smith: I Move to open the Public Hearing at 9:09 pm.

Mr. Berlin: This is for an area variance for a lot width and 80 to 75ft to build a single-family home and remove what is there that would blend into the surrounding homes.

Mr. Smith: Any comments from the Board?

Mr. Schenberg: This is the size?

Mr. Berlin: It is shown here.

Mr. Smith: You have 2 lots side by side why not combine to have a building lot with minor variances.

Mr. Berlin: We purchased with intent and knew they were 2 lots to put in 2 single family homes and not build something that would overtake the other houses and be white elephant of the neighborhood or put in special use permit for 2 family and that would not fit in with the neighborhood's design. This is the ideal situation we felt as well for the neighborhood.

Mrs. Thompson: Why buy sub standard lots?

Mr. Berlin: They are not.

Mrs. Thompson: Yes they are. Just 2 lots.

Mr. Berlin: Not to much of a challenge for ZBA lot width would not be unreasonable and weighed options of 3. This was the most economical so why we went with it. And bought it in 1996 and not sure what it was.

Mrs. Thompson: You have nice area for a house and you want to make more money at the expense of the Town of Wallkill.

Mr. Berlin: I knew I wanted to put in 2 houses and not at expense of tow and wanted to conform to the look. I have other options to us and one was 2 family which would not blend in and be acceptable in the area but not something we wanted to do. I am from the area and not a developer and do not want to cause harm to the neighborhood.

Mr. Smith: Any questions from the Board? (No)

Mr. Smith: Any questions from the Public?

Phil Hawakmester, 20 Red Maple Lane: I am across from this and am concerned about the neighborhood. We have spoken and I know Mike and Keith and don't have an objection to

building a house but it is a substandard sized lot and have tax maps showing the neighborhood configuration. I am on 5 lots now. These are tax maps that relate to Red Maple Lane and the property is circled 7 non-colored part and I live on 5 lots I have lived there for 20 years and the message is proper growth and keeping the neighborhood in tact and to put 2 houses on that area would be driveway, setbacks and not conform with other sizes of houses. 2 larger houses in excess of 2400 sq/ft Dorothy and Anthony Aversano who can't be here (presented letter into the record).

Ed McCullough: 14 Red Maple Lane: Green one on map. Nothing about one house but 2 houses are not in compliance. The garbage truck goes down backwards now. No objection to one house.

Louise Joyce, 14 Red Maple Lane: I am the owner and repeat what he said.

Fred Roll: 71 Silverlake Road: I did not get notification for tonight's proceedings and my question: the Town of Wallkill does have zoning laws for amount of land to build a house – do the houses meet that specification?

Mr. Smith: That is why he is here.

Fred Roll: If we make one variance, across the street there is 2 acre lot and one morning will we wake up with 15 houses on it?

Mr. Berlin: I want to make it clear and understand their concern is conformity. Our goal is 2 houses conform with the neighborhood – none of the houses are large by putting in the 2 lots size and comparable to style and size. If we combine lot that is out the window and opens door to multi family and we have financial goals in this as well. We are trying to have a happy medium. We don't want to take away from what is there.

Mr. Smith: Any comments from the Board?

Mr. Schoenberg: To clarify - you want a 5 foot variance on each lot?

Mr. Smith: 3.5 depth but area is larger. The area is 12500 sq/f to 7487 sq/ft; other is similar. 2/3rds or so.

Mrs. Thompson: One house on 2 lots with nice house and attractive place and not make as much money as you are now.

Mr. Berlin: Put in something that blends in now, cape, cape, cape and Victorian. In order to make up – as long as I conform to code 3500 sq/ft.

Mr. Smith: If you can do that without a variance you can.

Mr. Berlin: We not look to put in something to take away but blend in, leave it at that.

Mr. Smith: If benefit can be achieved by other feasible means – 2 adjacent lots and together would be close to approved lot; 2 houses on 2 smaller lots is undesirable situation and looked at colored maps – all houses are on several 50ft lots there is minimal of 2 most or more. Your lot both lots together will blend into the neighborhood. It is a substantial request in terms of the area. If there is physical/environmental affects – don't think there are. Difficulty is self-created as you are taking them separately.

Mr. Schoenberg: I agree and trying to squeeze too much in too little of an area.

Mr. Smith: I Move to close the Public Hearing at 9:25 pm; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following variances of 249-49-22: 1) lot width 80 to 75ft; 2) depth from 100ft to 99.66 ft; 3) area to 7487 ft; Seconded.

VOTE:

In favor (aye):	0
Opposed (nay):	6

DECISION:

Mr. Smith: The variances are denied.

Mr. Berlin: Will removal lot line come before the ZBA?

Mr. Smith: No.

MICHAEL & KEITH BERLIN (17 Red Maple Lane):

Mr. Berlin: I request to withdraw our application.

Mr. Smith: Application noted as withdrawn.

MIDDLETOWN HONDA: Request for a sign variance 249-11 –N (pylon sign): 10x10 pylon sign as per the drawing A-100 by Harry A. Farr; Property located at 520 Rt 211 East (SEC 41 BLOCK 1 LOT 48); Designated HC.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 9:28 pm.

Mr. Smith: I Move to open the Public Hearing at 9:29 pm.

Mr. Smith: Please present your application.

Lewis Sign, Charlene DiNunzio: This is a pylon sign 14x14 sq/ft and 35ft high. Reason is that the building sets back and if you drive by it - the wall signs will not be noticeable from the road. The cars coming down ramp block it. Coming up 211 it is blocked as it sets down. It is in form with other signs on 211, Orange Plaza, etc.

Mrs. Thompson: Why so big?

Lewis Sign, Charlene DiNunzio: The logo. “H” the whole thing is 35ft. The “H” and “Honda”

Mrs. Thompson: There is no ‘Honda’ here.

Mrs. Thompson: What else has Honda on it?

Lewis Sign, Charlene DiNunzio: It is a busy road and lots of signs vying for attention.

Mrs. Thompson: You can have distinctive logo smaller.

Lewis Sign: They want to be seen.

Mrs. Thompson: If you are looking for Honda you will find it with that sign.

Mr. Schoenberg: How much smaller?

Lewis Sign, Charlene DiNunzio: It comes in 3 sizes and next is 10x10 and are mass produced. The other signs were approved are huge and we are not bigger than what was approved.

Mr. Smith: In that case I wish they would come back before us.

Lewis Sign, Charlene DiNunzio: They have to compete for notice. Healy is down on Rt 211.

Mr. Smith: Any further comments or questions from the Board? (No)

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

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

Mr. Smith: You have this backwards – aggregate sign is 250ft.

Mrs. Thompson: How big with HONDA beneath it?

Lewis Sign, Charlene DiNunzio; It is all part of the same sign.

Mrs. Thompson: I see.

Mr. Smith: What do you want?

Lewis Sign, Charlene DiNunzio: 14x14 pylon sign.

Mr. Smith: Any further comments from the Board?

Mr. Mattatall: It is not that big as compared as to what is up and down the road and nothing else will be attached to it and understand it sits down in a hole.

Mr. Smith: I would like to see all of Rt 211 tone down their signs. Businesses have nicely landscaped lots and scaled down signs in other areas. I understand business' have a need for signs. 14x14 is too big for my wishes.

Mr. Schoenberg: Just because there are other big signs does not mean this has to be. The lot is big. People know its there. Everyone coming off Rt 17 see the lot there. You can see it. If looking for dealership you will find it.

Lewis Sign, Charlene DiNunzio: .What if you are not looking for a car?

Mr. Smith: If you say its off Rt 17 West - you will find it.

Lewis Sign, Charlene DiNunzio: What about 10 x10.

Mr. Smith: Do you want to go to a vote on it.

Lewis Sign, Charlene DiNunzio: You need a variance for the 10x10 also.

Mr. Smith: I Move to close the Public Hearing at 9:40 pm; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following variance of 249-11-N: 1) a 10x10 pylon sign as per the drawing A-100 by Harry A. Farr; Seconded.

Lewis Sign, Charlene DiNunzio: We have 196 feet.

Mrs. Thompson: This is not moving sign?

Lewis Sign, Charlene DiNunzio: No it is stationary.

VOTE:

In favor (aye): 5

Opposed (nay): 1

DECISION:

Mr. Smith: The variance is granted.

FAIRWAYS WALLKILL, LLC. (MGD DEVELOPMENT GROUP, LLC.):

Request for the following variances:

Request for variances for 217 residential condominium units on property located on Golf Links Road (SEC 73 BLOCK 1 LOTS 31.2, 33.2 and 33.3); Designated R-1.

1. 249-22(7)(i) and 249-33(8)(k):
To permit 1227 feet of wood fencing (varying in height from 8ft to 14ft) to be located along the Rt 84 property line.
2. 249-22(7)(i) and 249-22(8)(k):
Request for an interpretation of, 'the front yard setback does not prohibit the placement of a retaining wall for interior road'.
3. 249-22 (8):
Request for set back variances for decks on single-family condominium homes:
 - A) From 50ft to 40ft on units:
SF – 7, 33, 34, 35, 45, 46, 47, 48, 49, 50;
 - B) From 50ft to 46.5ft on units:
SF – 36;
 - C) From 50ft to 41.1ft on units:
SF 44;
4. 249-22(8)(k):
Request for height variance for roofs:
 - A) From 35ft to 39ft on units:
D – 4, 6, 8, 10;
 - B) From 35ft to 47ft on units:
D – 1, 2, 3, 11, 12, 13, 14, 15, 16, 17;
 - C) From 35ft to 39ft on units:
T – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 20, 21, 22;
 - D) From 35ft to 41ft on units:
SF – 1, 2, 3, 4, 5, 6, 13, 14, 15, 16, 17, 18;
 - E) From 35ft to 47ft on units:
T – 13, 14, 18, 19, 23, 24;
 - F) From 35ft to 45ft (3 story) on units:
C – 1, 2;
5. 249-22(7)(g):

Request for an interpretation of, ‘that the separation between facing elevations requirements applies only to distance between front elevations and the variance to authorize reduction in certain townhouse buildings.

6. Request for a variance to authorize reduction in certain townhouse buildings:
 - A) From 94ft to 79ft on units:
T – 15 and 23; T – 16 and 23; T – 18 and 21; T – 19 and 20.
 - B) From 94ft to 87ft on units:
T – 1 and 14; T – 2 and 13.
7. 249-22-8(h), (i), (j)
Cluster groupings determination: Interpretation ‘that the site plan is a comprehensive development and does not contain cluster groupings.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 9:47 pm.

Mr. Smith: I Move to open the Public Hearing at 9:48 pm.

Jennifer Van Tuyl, Cuddy & Feder, LLP
Jack O’Connell, Fairways, LLC
Bill Dodge, Engineer

Jennifer Van Tuyl : We are here regarding interpretation as previously approved 10/03.

Jack O’Connell, Fairways LLC: National builder of high-end non-gated communities and this is our first on Orange County. It is alongside OC Golf Course and it gated and has condos along clubhouse, up and down-hill town homes, duplexes, larger single family along golf course and worked with topo to minimize impact and have up and down-hill and single family.

Jennifer Van Tuyl: They are offering land to the Town as additional lands for protecting wells so there no development here. As you can see we are deeply screened and ample setback and substantial buffer here. Only yard variance is in one section that gets very skinny and here where there is storm water management. We set it within the lot lines and none of variances will be obvious to those looking in to the site.

The variances will be described in 3 categories:

- 1) yard requirements

First has to do with property line along I-84 – variance for wooden fence along property line (1 foot in) for sound barrier; it was recommended by PB and agreed to put in sound barrier and closer to noise source. We sent notice of the hearing and previously to thruway authority and heard back they have not objection as long as we are one foot inside line. We agreed to that.

Reason: noise minimization and along property line.

- 2) interpretation in this part (map) – county has asked us to cut back to improve site distance. We are improving site distance on the curve in the road and same time road is coming around here and we need retaining wall which we are happy to do and you need to clarify that retaining wall does not have to meet 50 foot set back.

Next series of yard requirements is most significant has to do with set backs relating to decks on certain single-family homes (looked at map) 6 need 10foot variance; 3.5 variance on one building and 10 foot on other. Reason is where property gets narrow and where we could avoid we did. But the configuration of land does not allow us to avoid that and there is storm management area. The road configuration developed by the PB with idea not real grid like look and there are circles and curves, islands to vary street scape and lessened our location.

We had originally come in with more substantial requests and the original 16 foot variance was withdrawn. The maximum variance is 10 feet along here (map) with several 1.8 and one for 3.5 feet. None of the units for deck variances have height variance. Additionally we did detailed balloon test to analyze height issue and on that day we had balloons at height of buildings people climbed in to see what it would like here. Everyone was satisfied it would have 40 feet of landscaped wooded area.

Mr. Smith: Mr. Bulcholder president of .O.C. Golf Course at the time had objection of height from the golf course and was happy with the results.

Next group of variances is height. Probably 20% is architecture with steep sloped designs (J. O'Connell showed).

I have created highly technical drawing to show the key point which sums it up (handed out).

As you can see there is a house but the code in TOW requires and allows you to measure on height that faces the street. It is not average of 4 sides. If the street on one side (down hill) the building is one height with wall out basement, on other it is 8 feet taller by virtue of topo and building not any bigger. For the single units if down hill no variance; if up-hill measure 6 foot and with duplex and town house the same thing, 4 foot and other side 8+ feet. The building height is the same.

Jack O'Connell: (Presented the drawings)

Jennifer Van Tuyl: This is the same when look at them but really 8 feet taller. Steep sloped roofs with variety and architecture. The one thing make it clear is the duplexes overlook golf course and as we tested in the balloon test, the roof lines are all in same plane; the first 3 are up-hill units and legally 8 feet taller than the others; there are down hills that need 4 feet variance and some down-hills that don't. Because of the topo and disturbing it any more is reason. The impact of height was look at very seriously and we did the balloon test and people most concerned was golf club and if the roofs can be seen because of the variance. The balloon established the height point was not visible above trees. The only thing visible and not from here (map) but if you went into the club building which is highest point of the course, you could see balloon for C-2 but just barely visible. Roofs will be earth tones and low profile as possibly be.

As Mr. Smith pointed out, the former president was very gracious to us and they provided golf carts to everyone and after that extensive test went before the board and they had no objections.

The last group of variances are more technical:

One is separation between buildings that applies to several up here (drawing). Your code has it for side facing street and secondly modest variance twice height of taller building as in up-hill building it was 8 feet and made it impossible. One is 7 feet and other 15 feet.

The last matter we request is interpretation on code of the town very complicated for ‘cluster grouping’ of single family in condo ownership. It says you can only have so many and have to be separated. The interpretation were not cluster and the PB worked hard we had streets different variations with sense of place. It is condo ownership so not issued of who will maintain it.

The PB unanimously recommended to the ZBA approval at 9/03 and Orange County recommended approval at their meeting and the PB is seeker lead agency and no adverse environmental impacts.

I apologize to burden you with this again.

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

Mr. Smith: There is no one here from the Public in response to the notice.

Jennifer Van Tuyl: I did make a list what we applied for.

Mr. Smith: I have decision sheet from before.

Jennifer Van Tuyl: I think it is better to use this one and the interpretations.

Mr. Smith: I move to close the Public Hearing at 10:10 pm; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following variances to FAIRWAYS WALLKILL, LLC. MGD DEVELOPMENT GROUP, LLC for their request for variances associated with 217 residential condominium units on property located on Golf Links Road (SEC 73 BLOCK 1 LOTS 31.2, 33.2 and 33.3); Designated R-1.

1. 249-22(7)(i) and 249-33(8)(k):
To permit 1227 feet of wood fencing (varying in height from 8ft to 14ft) to be located along the Rt 84 property line.

DECISION: Variance granted.

2. 249-22(7)(i) and 249-22(8)(k):
Request for an interpretation of,

INTERPRETATION: The front yard setback does not prohibit the placement of a retaining wall for interior road.

3. 249-22 (8):
Request for set back variances for decks on single-family condominium homes:

A) From 50ft to 40ft on units:

SF – 7, 33, 34, 35, 45, 46, 47, 48, 49, 50;

B) From 50ft to 46.5ft on units:
SF – 36;

C) From 50ft to 41.1ft on units:
SF 44;

DECISION: Variances granted.

4. 249-22(8)(k):
Request for height variance for roofs:

A) From 35ft to 39ft on units:
D – 4, 6, 8, 10;

B) From 35ft to 47ft on units:
D – 1, 2, 3, 11, 12, 13, 14, 15, 16, 17;

C) From 35ft to 39ft on units:
T – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17,
20, 21, 22;

D) From 35ft to 41ft on units:
SF – 1, 2, 3, 4, 5, 6, 13, 14, 15, 16, 17, 18;

E) From 35ft to 47ft on units:
T – 13, 14, 18, 19, 23, 24;

F) From 35ft to 45ft (3 story) on units:
C – 1, 2;

DECISION: Variances granted.

5. 249-22(7)(g):
Request for an interpretation of,

INTERPRETATION: That the separation between facing elevations requirements applies only to distance between front elevations and the variance to authorize reduction in certain townhouse buildings.

6. Request for a variance to authorize reduction in certain townhouse buildings:

A) From 94ft to 79ft on units:

T – 15 and 23; T – 16 and 23; T – 18 and 21; T – 19 and 20.

B) From 94ft to 87ft on units:
T – 1 and 14; T – 2 and 13.

DECISION: Variances granted.

7. 249-22-8(h), (i), (j) Cluster groupings determination:

INTERPRETATION: That the site plan is a comprehensive development and does not contain cluster groupings.

DECISION:

Mr. Smith: Variances granted or denied as noted above.

NEW BUSINESS:

KMRTELL:

Mr. Smith: The building department sent you to the ZBA. You started construction within the 6 months.

Mr. Smith: As result of starting construction within 6 months of the granting of the variance and in compliance with the original variance on February 10, 2004 and a second variance is not needed; Seconded. All in favor; Motion granted.

MEETING CLOSE:

Mr. Smith: I Move to close the meeting at 10:16 pm; All in favor; Motion carried.

TOWN OF WALLKILL ZONING BOARD OF APPEAL
SEPTEMBER 13, 2004

DECISION SHEET

JRJ HOMES

Request for a variance of 249-19-D-1 (lot depth) from 300ft to 182.57ft; Property located at 238 Ridge Road (SEC 32 BLOCK 1 LOT 44.221); Designated RA.

DECISION: Variance granted.

PADAYA

Not present; Continued for October 18, 2004

JANET BARBERIO

Request for a variance of 249-12(F): 1) off-street parking spaces required from 23 spaces to 15 spaces; 2) front yard set back from 35ft to 14ft;. Property located at 430 Rt 211 East (SEC 53 BL 5 LOT 2 and 3); Designated HC.

DECISION: Variance granted.

XL – LOT #1

Request for a variance of 249-22-D (front yard and rear yard reduction):

- 1) front yard from 35ft after 10% allowance roof overhang - 8" variance granted to permit front porch overhang;
- 2) rear yard from 30ft to 23ft for construction of a deck.

Property located on Third Street (SEC 52 BLOCK 12 LOT 1.31); Designated R-1.

DECISION: Front yard: Approved
Rear yard: Denied

XL – LOT #2

Request for a variance of 249-22-D (front yard and rear yard reduction);

- 1) front yard from 35ft to ft to permit front porch overhang;
- 2) rear yard from 30ft to 29ft 9 inches for construction of a deck.

Property located on Third Street (SEC 52 BLOCK 12 LOT 1.32); Designated R-1.

DECISION: Front yard: Approved
Rear yard: Approved

KAREN GAREWALL & JAISON JOSEPH Not present; Public Hearing scheduled for October 18, 2004

MICHAEL & KEITH BERLIN

Request for a variance of 249-49 (D):

- 1) lot width from 80ft to 75ft;
- 2) lot depth from 100ft to 99.66ft;
- 3) area from 12,500 sq/ft to 7,487 sq/ft;

Property located at 9 Red Maple Lane (SEC 52 BLOCK 7 LOT 2); Designated R-1.

DECISION: Variances denied.

MICHAEL & KEITH BERLIN

Request for a variance of 249-22-D (lot area and width); 1) width from 80ft to 75ft;

Property located at 17 Red Maple Lane (SEC 52 BLOCK 7 LOT 3); Designated R1.

Application withdrawn.

MIDDLETOWN HONDA

Request for a sign variance 249-11 –N (pylon sign):

10x10 pylon sign as per the drawing A-100 by Harry A. Farr; Property located at 520 Rt 211 East (SEC 41 BLOCK 1 LOT 48); Designated HC.

DECISION: Variance granted.

FAIRWAYS WALLKILL, LLC.
MGD DEVELOPMENT GROUP, LLC

Request for variances for 217 residential condominium units on property located on Golf Links Road (SEC 73 BLOCK 1 LOTS 31.2, 33.2 and 33.3); Designated R-1.

1. 249-22(7)(i) and 249-33(8)(k):
To permit 1227 feet of wood fencing (varying in height from 8ft to 14ft) to be located along the Rt 84 property line.

DECISION: Variance granted.

2. 249-22(7)(i) and 249-22(8)(k):
Request for an interpretation of,

INTERPRETATION: The front yard setback does not prohibit the placement of a retaining wall for interior road.

3. 249-22 (8):
Request for set back variances for decks on single-family condominium homes:

A) From 50ft to 40ft on units:

SF – 7, 33, 34, 35, 45, 46, 47, 48, 49, 50;

B) From 50ft to 46.5ft on units:
SF – 36;

C) From 50ft to 41.1ft on units:
SF 44;

DECISION: Variances granted.

4. 249-22(8)(k):
Request for height variance for roofs:

A) From 35ft to 39ft on units:
D – 4, 6, 8, 10;

B) From 35ft to 47ft on units:
D – 1, 2, 3, 11, 12, 13, 14, 15, 16, 17;

C) From 35ft to 39ft on units:
T – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17,
20, 21, 22;

D) From 35ft to 41ft on units:
SF – 1, 2, 3, 4, 5, 6, 13, 14, 15, 16, 17, 18;

E) From 35ft to 47ft on units:
T – 13, 14, 18, 19, 23, 24;

F) From 35ft to 45ft (3 story) on units:
C – 1, 2;

DECISION: Variances granted.

5. 249-22(7)(g):
Request for an interpretation of,

INTERPRETATION: That the separation between facing elevations requirements applies only to distance between front elevations and the variance to authorize reduction in certain townhouse buildings.

6. Request for a variance to authorize reduction in certain townhouse buildings:

A) From 94ft to 79ft on units:
T – 15 and 23; T – 16 and 23; T – 18 and 21; T – 19 and 20.

B) From 94ft to 87ft on units:
T – 1 and 14; T – 2 and 13.

DECISION: Variances granted.

7. 249-22-8(h), (i), (j) Cluster groupings
determination:

INTERPRETATION: That the site plan is a
comprehensive development and does not contain
cluster groupings.

TSB:jcd