

TOWN OF WALLKILL ZONING BOARD OF APPEAL
OCTOBER 15, 2007

TOWN OF WALLKILL ZONING BOARD OF APPEAL
MEETING MINUTES

October 15, 2007

PRESENT:

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

J. Owen, Esq.

Meeting Opening:

The Meeting opened at 7:38 pm with the roll call and the following Hearings were continued, reviewed, heard and voted upon as noted.

The September 10, 2007 Minutes were reviewed by the Board. The Motion was made to accept the minutes as written; Seconded (Guenste); All in favor; Motion carried.

OLD BUSINESS:

Ms Raffo: The Motion was made to table the August Meeting Minutes; Seconded; All in favor; Motion carried.

6 MONTH EXTENSIONS:

RAY SMITH (Stanley / Dorothy Starr):

Ms Raffo: Mr. Dillon has submitted a request on behalf of the applicants for a six month extension on variances approved in April 2007. They received the final site plan approval and are filing the sub division map.

Ms Raffo: I Move to grant a six (6) month extension to Ray Smith (Stanley and Dorothy Starr): for variances granted April 9, 2007 of 249-22 for lots 38-12-6, 7 & 8: 1) side yard set back from 40 to 36.3 ft. 2) Lot #1 area from 18,750 sq/ft to 9,715 sq/ft; 3) Lot #2 area from 18,750 sq/ft to 12,035 sq/ft; 4) Lot width from 100ft to 67ft. To permit combination of three (3) existing lots into two. Property located at Watkins Avenue (38-12-6, 7 and 8); Designated R-1.

Seconded; All in favor, Motion carried.

TAC ASSOCIATES

Ms Raffo: We have received a request for a six month extension to variances granted originally on 5/8/2006, extended to 10/16/2006 and 4/9/2007. They have made substantial progress on the permit, cleared the lot and installed the driveway. They are awaiting paperwork to get the building permit.

Ms Raffo: I Move to grant a six month extension on the following variances: 1) area from 2 acres to 50,806 sq/ft; 2) lot width from 200ft to 145ft; 3) side yard from 40ft to 35ft; 4) 2 side yards from 100ft to 85ft; Property located on Top Notch Road (32-2-42); Seconded (Wilson); All in favor; Motion carried.

PUBLIC HEARINGS:

CAROL WILSON: Request for a variance of 249-22(D) (1) (area variance):
1 Side yard from 20ft to 10.8 ft;
2 Side yard from 20ft to 8.5 ft;
3 Side yard from 20ft to 15.9 ft;
For an addition to the existing house.
Property located at 30 Rhode Island Avenue
(38 – 7 – 15); Designated R-1.

Ms Raffo: The mailings were reviewed by the Board and filed for the record. The Public Hearing Notice was read at 7:40 pm.

Ms Raffo: Your mailings were dropped off on Friday to the Town. Please tell us what you want to do.

Ms Raffo: I Move to open the Public Hearing at 7:41 pm.

Mr. Wilson (applicant): I would like to make room for our daughter and a porch for ourselves, bigger living room and the one we have is poor and put a big bedroom over my living room, with deck on back, put in another exit off the back.. Eliminate the (proposed) kitchen; it will be a big living room now.

Ms Raffo: You need back and side yard variances.

Ms Wilson (applicant): We want to go out and make a bigger living room and go up; our house sits sideways.

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

Ms Raffo: Any questions from the Board?

Ms Guenste: The proposed addition is the living room which will be opened up?

Mr. Wilson (applicant): Coming out toward the front but back 45 ft from the road.

Ms Guenste: It's a very tiny house.

Mr. Wilson (applicant): No room in side what so ever.

Ms Guenste: I have been in that house - it is tiny.

Mr. Wilson (applicant): All my neighbors say go ahead it is so small it looks like a shed.

Ms Guenste: As far as finishing it, you will do the same type of outside so it all works together?

Mr. Wilson (applicant): The same as outside – vinyl it outside so it looks modern it looks like a gingerbread house now.

Ms Guenste: Person with house to the left, just curious.

Mr. Wilson (applicant) He said go for it. I have my garden in his back yard. We are very close friends with almost everyone in the neighborhood.

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

Ms Raffo: I Move to close the Public Hearing at 7:45 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variances: 1) side yard 20 to 10.8 ft; 2) side yard from 20 to 8.5 ft; 3) two side yards from 20ft to 15.9 ft; Seconded.

DISCUSSION:

(None)

VOTE:

In favor (aye): 7 Johnson, Guenste, Sullivan, Petelinz, Dunn, Wilson, Raffo

Opposed (nay): 0

DECISION:

Ms Raffo: The variances are granted. You must begin work in six months and if you don't you must contact us requesting an extension before the 6 months is up or you will need to start all over again.

MICHELINA PETRIZZO: Request for a variance of 249-3:
1 9ft x 64ft addition to existing garage;
Property located at 133 Maples Road
(36 - 2 - 15.3)
Designated R-1.

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

Ms Raffo: I Move to open the Public Hearing at 7:47 pm.

Ms Raffo: Please tell us what you want.

Mr. Petrizzo: I have fire wood and outside it is damp and inside the house it is musty.
There is a wood fence and roof on top.

Mr. Wilson: It is there already?

Mr. Petrizzo: Yes.

Ms Raffo: The existing accessory is 40 x 64ft.

Mr. Johnson: It is there with an overhang.

Mr. Petrizzo: I don't have enough room.

Ms. Raffo: 40 x 24 to 49 x 64ft?

Mr. Johnson: That is correct.

Ms Raffo: Any questions from the Public?

Joseph Zupulla (public): I saw the shed and it seems fine to me and see no problem. He is just covering his wood. It is not an extension of the building.

Dan (Maples Farm): I just stopped in, and got a notice, what are you doing?

Ms Raffo: This is nothing new, he has oversized garage and shed from the garage where he keeps the fire wood. It was seen by the building department and he was sent here for a variance.

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

Ms Raffo: I Move to close the Public Hearing at 7:56 pm; Seconded; All in favor; Motion carried.

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Ms Raffo: I Move to grant the following variance of 249-3: for an oversized accessory building from 40 x 64ft to 49x64ft; Seconded.

DISCUSSION:

(None)

VOTE:

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

DECISION:

Ms Raffo: The variance is granted. See the building department about the paperwork.

Ms Raffo: You could not sell the house without this paperwork.

Mr. Petrizzo: I am going to the bank to do the mortgage and I will need this.

FULFFY PUPS (Christine M. Strommer)

Request for a variance of 249-27(D):

- 1 Front yard from 50ft to 17.2 ft;
- 2 Side yard from 20ft to 7.6 ft;
- 3 Lot area from 40,000 sq/ft to 21,414 sq/ft;
- 4 Lot depth from 200ft to 138ft;

Variance of 249-27(c)(26)(a):

- 5 Dog kennel from 50ft to 7.6ft

To enlarge existing dog grooming site for overnight boarding;

Property located at 2054 Goshen Turnpike
(44-1-38)

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

Ms Raffo: I Move to open the Public Hearing at 7:59 pm.

Ms Raffo: Please tell us what you are seeking to do.

Christine Strommer: The business currently does dog grooming and we want to include overnight boarding. No one will be staying there.

Ms Raffo: You need a variance for additions you made.

Ms Strommer: Actually our neighbor (to the left) - it is no closer to his house and want to do the extension towards the right of the house (where current parking lot is) and to the back yard.

Ms Raffo: Any questions from the Public?

Robert Michealov (Public): I live next door to them and Casa Mia. I have been there for 28 years. I talked to Christine and my concern was overnight sleeping. There is some barking when the dogs come and go and have a concern about overnight barking without overnight sleeping. As far as the extension and business goes, no problem with that.

Ms Raffo: We will stipulate to overnight 24 hours and dogs kept inside overnight.

Robert Michealov (Public): Does the Town go along with that also? If that is no problem.

Ms Raffo: Do you have any problems with operations now? It is valid for 5 years and with that stipulation on it that if there is a problem we will reconsider it.

Robert Michealov (Public): I work six days a week and deal with them only one day a week and only hear them on my one day off. Little bit of barking and not really annoying. I expressed myself with Christine.

Mr. Wilson: It is a legitimate concern.

Ms Raffo: They will be indoors, staff overnight and the variance will last for 5 years.

[Christine showed him the drawings of where things are to be located]

Robert Michealov (Public): They will be insulated some what too. As long as they don't wake me up I don't have no problem with it.

Ms Raffo: Any questions from the Board?

Ms Guenste: First of all the variances. The side yard should be 50 feet and a kennel needs 50 feet. My concern is number one - a complete change in use and when you cam here 2 years ago not going to be any boarding.

Ms Strommer: Did not expect the business to build so far.

Ms Guenste: 50 dogs?

Ms Strommer: No. No more than 20 at a time and not larger than 50 pounds.

Ms Guenste: No place to go out side?

Ms Strommer: they are outside with supervision and play time; they are not left out unsupervised.

Ms Guenste: You will put up dog runs or one at a time?

Ms Strommer: There are a group of 4 or 5 who play together - they are small not Golden Retrievers.

Ms Guenste: Okay. I just my concern is the noise at night with the neighbor. As far as its set up too, you have the area - where is the person going to be that will be there at night?

Ms Strommer: Do you have the sketch? [looked at the sketch with N Guenste]. Kennels are 5 x 7 approximately.

Ms Guenste: What type of sound proofing on the walls?

Ms Strommer: We have not addressed that with the architect yet.

Ms Guenste: With sound proofing in the walls, you know, like I am saying, and our concern is the barking at night.

Ms Strommer: Do you have a dog and does it bark at night?

Ms Guenste: Yes, but he is not with dogs he does not know.

Ms Strommer: They will not be able to see each other; there is no crating.

Robert Michealov (Public): I had German Short Hair – when Casa Mia came in my dogs only barked when people came on the grounds and if there was a problem told them they were well disciplined. It sounds like a closed – it may work. I am concerned about noise is the bottom line but this may work, if not I'll holler.

Mr. Johnson: Will they have to be walked at night? They have to go some where to go to the bathroom. If you have 5 or 6 I see there will be noise that you will hear. With the sound proofing of the rooms – if built right it will not be a problem. You have noise when they come and go.

Ms Strommer: You asked about hours of operation. We could have 9 to 11 or 3 to 5 for drop off/pick up times.

Ms Raffo: This is a special use permit and you will have to return to the Planning Board. The kennel in the zone is special permit.

Ms Guenste: What comments have they (Planning Board) given you?

Ms Strommer: Only there once, and it did not seem like they had an issue with it.

Ms Guenste: I would like to not have a 5 year but a 2 year on tis just to make sure there is not a problem.

J Owen, Esq.: There are a number of problems with that.

Mr. Wilson: How many kennel?

Ms Strommer: About 20.

Mr. Wilson: What is this – a use?

J Owen, Esq.: She is changing use, it is an approved use and subject to Planning Board approval who is who sent her here for the area variances.

Ms Raffo: The Planning Board issues the special use permit.

Ms Petelinz: It looks like a clean establishment and your own dogs are very well behaved. No problems as a grooming facility at all.

Executive Session: 8:15pm to 8:23 pm.

Ms Raffo: I Move to close the Public Hearing at 8:25 pm.

Ms Raffo: I Move to grant the following variances: 1) front yard 50 to 17.2 ft; 2) side yard 20ft to 7.6ft; 3) lot area 40,000 to 21,414; 200 sq/ft; ; 4) lot depth from 200 ft to 138ft; 5) dog kennel from 50ft to 7.6ft;

Subject to the following: 1) variance valid for 5 years; 2) no more than 20 dogs; 3) dogs will weigh 50 pound maximum; 4) 24 hour staffing; 5) dogs kept inside over night;

Seconded (Wilson);

DISCUSSION:

Ms Guenste: This is no reflection on the owner or way they have their business. We have to look at an area variance and at different items. If it can be achieved by other means? Is it substantial? A lot goes into renovating, it may be more feasible in an area without residences. Does it change in character of the neighborhood? The noise at times will change that. You are going from a 50 ft minimum between buildings to 7 feet – that is a substantial request. And, Is it self created? Yes it is. You came to us 2 years ago and said there would be no boarding and have changed the direction you want to go and it is self created. I vote No.

Mr. Johnson: No. But it is substantial to go from 50ft to 7 ft. Can it be achieved by other means? – sell and find other location. It will affect the neighborhood with noise and the dogs still come/go. I am sorry.

Ms Sullivan: No for the same reasons stated. It is a substantial request, a change to the neighborhood and for the same reasons stated.

Ms Petelinz: No, for the reasons already stated, and it is no reflection on you. The grooming business is lovely and the request is substantial.

Mr. Dunn: No and for the same reasons given. It is an undesirable change to the neighborhood – a kennel right there with neighbors so close.

Mr. Wilson: No, based on reasons stated. It is substantial to go from 50ft to 7 ft and bringing it 43 feet closer to neighbor . It is a substantial change to neighborhood and is undesirable.

Ms Strommer: May I speak? The side yard that is of concern – the deck is already there we will only enclose it.

Mr. Wilson: You will have over night kenneling though – that is the problem.

Ms Strommer: Only 2 residential and from corner on Casa Mia, Bob's home, Fluffy Pups, Storage Town, and across the street has built up and the whole area is going commercial.

When Bob and the neighbor chose to sell only people will not be residential but for commercial atmosphere. It is not right to say it will be detrimental.

Mr. Wilson: None of these are operating overnight and we have to take the concerns of the neighbors into consideration.

Ms Raffo: It is very substantial. It was undersized 2 years ago when you came in. It was a day time business. There is a lot of traffic, if a dog gets loose. The variances are very substantial 50ft to 17ft, 50ft to 7ft - half the area and reasons stated several times, I vote No.

Ms Strommer: If I did not have boarding, could we expand the business?

Ms Raffo: I can't have them vote on something they don't have. You came in for boarding.

Ms Strommer: Respectfully, the Planning Board lets me know if I could have that use. They sent me here for variances.

Mr. Wilson: You are asking for substantial side variance, and we take into consideration the use, but the 50 foot radius from you to next is the main premises we are looking at.

Ms Raffo: We can't deal with hypothetical. You can, however, speak to us after the meeting.

VOTE:

In favor (aye): 0

Opposed (nay): 7 Guenste, Johnson, Sullivan, Petelinz, Dunn, Wilson, Raffo

DECISION:

Ms Raffo: The variances are denied.

Robert Michealov (Public): The prior owner got a variance from the Town to include the distance. My question is now, can the building go on and replace that deck?

Ms Raffo: Any new construction has to be applied for.

HEARING REVIEWS (11/12/07)

Up-date Notice: Applicants were notified about the November Hearing Date of 11/19/07

ANTHONY TOMESHESKI: (side yard)

Anthony Tomesheski: I would like to put 3 season room on the back of the house and it is close on one side of the house.

Ms Raffo: The plans I have don't show it closer to the side.

Mr. Tomesheski: I got a variance for the house and I have to come back for this.

Ms Raffo: No closer to the property line?

Mr. Tomesheski: No.

Ms Raffo: Any questions from the Board?

Ms Petelinz: Where exactly is this?

Mr. Tomesheski: In Howells.

Ms Raffo: I Move to hold a Public Hearing at November 12, 2007 at 7:30 pm or as soon there after as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: It is necessary to notify everyone within 1000 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

FABIAN ROBINSON: (expansion beyond 15%)

Mr. Robinson: We just built a new house and want to put on an addition for an in-ground swimming pool and put something around. Last June the rules changed. The set backs are correct and everything has been done with the engineers.

Mr. Wilson: Totally enclosed?

Mr. Robinson: Yes.

Ms Guenste: How do we find it?

Mr. Robinson: I own pretty much all of it.

Mr. Wilson: What are the cross streets?

Mr. Robinson: The cross street is Ingrassia Road. We are on 211 West towards Otisville. Past Sunny's Pub – a big sign that says *Empire Canines* – that is my place.

Ms Raffo: This is a non-conforming use and extension above the 15%.

Ms Raffo: I Move to hold a Public Hearing on November 12, 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

JASU PADHYA (area variance)

D. Yanosh: I was here back in January 05, December 04. They want to put an addition on and did not get variance for liquor store. They got an addition with a fence which approved. Got site plan approval in June '05 and time elapsed and asking for the same thing again.

Ms Guenste: Square off the building.

Ms Raffo: This was approved 1/10/05 and did not get done and did not ask for an extension.

D. Yanosh: 1500 for neighborhood grocery store and it turns out to be 3000+.

Ms Guenste: Did the PB have you put in the curbs?

D Yanosh: Yes. I did the survey lines and have to realign them more and have add plantings.

Ms Raffo: The variance is for floor area 1500 to 3,450 sq/ft.

Ms Raffo: I Move to hold a Public Hearing on November 12, 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the week. Take that notice, copy it and

mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

JEFFREY AND BRIAN BAKER: (interpretation of 249-26)

D. Yanosh: There should be 2 others that I don't see on the agenda tonight.

Ms Raffo: Explain this to us.

D Yanosh: The Formula H and existing pole barn are there and it is a strange looking lot created many years ago. If you look at today's zoning map the 'Y' piece in the back - we want to cut off was in the R2 zone and Town changed it in 1997 and map never changed. It took a while to find out it is now all in HC zone. There was resolution of the Planning Board resolution to verify this.

Frank Rezak has a recycling business with tires from service stations and has them stored in trailers. He goes to individual stations and sorts them for recycle or re-treading. It is a 'going in and out business' and the DEC allows only 1000 at any one time. He wants to put building up to house the trucks he does and bring them in here. A 2 lot sub division creates a flag lot on the left with 50 foot wide strip goes there and right of way with Bakers for easement driveway that goes there now. They use it now for their access. The Planning Board has a question if this is service shop, and we trying to use it as a service establishment. They take goods from one area to another.

Ms Raffo: You need an interpretation.

D. Yanosh: Nothing that addresses recycling in the code. It is unique.

Ms Guenste: More like a transfer station.

Mr. Wilson: But will be storing stuff there.

Frank Rezak: Go through it daily and it goes out that night or next day, on the second day we ship them to wholesaler in NJ that we go to.

Ms Raffo: The same you do now but put indoors?

Ms Guenste: What is back there now?

Frank Rezak: Trucks and trailers. Get them out of the weather and go indoors.

Ms Guenste: Are they suppose to be there now?

Frank Rezak: We are adjacent to the highway department.

Ms Guenste: I did not you could have storage trailers up there.

Frank Rezak: We have had them there for years.

Ms Guenste: Behind Honda?

Frank Rezak: Yes.

Ms Guenste: I went up there a long time ago and saw 50 or so barrels.

Frank Rezak: I am subject to DEC inspection and that would put me in violation.

Ms Guenste: I have not been there in years.

Frank Rezak: If you want other materials you have to have other permitting.

Ms Guenste: The lot is not sub divided and you say you run business there now. So I would think that is not allowed. Another use there.

D. Yanosh: Rectify the problems, sub divide and make them conform. Started out with one trailer and now it has grown. No violations but now want to make what is good and create my own lot and put my stuff in side.

Mr. Johnson: The DEC permit is for what?

Frank Rezak: Transportation and hauling of DEC.

Mr. Wilson: How many to store on this permit?

Frank Rezak: Not more than 1000.

Ms Petelinz: By the end of the working day they are gone?

Frank Rezak: Most are going unless holding to go to other wholesaler.

Ms Petelinz: When can we come?

Frank Rezak: The gate is locked when no one is on site. Let me know – call my cell phone at 845/ 258-0169. One other thing in the past we have worked with other municipalities.

Ms Raffo: We need to see what the rules are. This is an interpretation of 249-26 (B)

Ms Raffo: I Move to hold a Public Hearing on November 12, 2007 at 7:30 pm or as soon there after as the matter can be heard

Ms Raffo: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

Attorney: Do we have to notice the Town?

Ms Raffo: Everyone within 300 feet.

GEORGE D. MILLER & SONS, INC. (lot frontage)

D. Yanosh: I am here for George Miller. Sheet 1 is the one you want.

Mr. Wilson: Briefly describe what you want.

D. Yanosh: This is in R2 and there is a 50 foot access. He wants to cut off the 2 lots and is fine. The TOW changed the law for 200 lot frontage in R2 zone affecting the road frontage. By doing this the only road is left over is Miller Heights and is 50 foot frontage available. The only way to conform is to remove the lot. Not sure why the planners did this and they wanted to eliminate flag lots and in cul-de-sac and to get 200 foot is going to be difficult.

Ms Raffo: If sub divide this - that is your only road frontage?

D. Yanosh: We can extend down the line, but reads 200 feet now. I will not have 200 feet.

Ms Guenste: You want two lots on the front and land in back, something does not make sense here.

D. Yanosh: Look at location plan. He want to sub divide 2 lots and were fine up until...

Ms Raffo: ... in the back it is 50 feet.

Ms Guenste: ... it is land locked.

Mr. Johnson: I see Miller Heights Road now.

D. Yahosh: Karen Drive could possibly extend at some time in the future. We are not land locked. 2 months ago we would have been home free. The Board changed the laws 2 months ago. The remaining 38 acres don't conform.

Ms Raffo: This is on Miller Heights Road.

Ms Raffo: I Move to hold a Public Hearing on November 12, 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

M & G SERVICES (STARBUCKS COFFEE): (signs)

Dom Paparella: They want signage on Dunning/Rt 211. In reference to the amount for : 1) 3 additional signs on east; 2) 2 on south ; 3) 2 on the north; and, 4) 2 additional ground signs.

Ms Raffo: The signs are based on percentage and we don't have that.

Ms Guenste: The existing sign for Krispy Crème on east side, is your side the 18" is that approximately the same.

Dom Paparella: I Don't know what signs were up.

Ms Guenste: 18 inches sounds about right.

Dom Paparella: I arrived here that we were approved for some signage and rest of applications were denied and considered it was exceeded allowable square footage.

Ms Guenste: That is big.

Ms Raffo: We have to schedule a public hearing for increase signage on the building but you will need to provide the variances you need from code to where you want to go. If the code says you can cover 10% and you cover 15% for example, I need that for each one.

Dom Paparella: I understand that completely. The building department said it is required and they will have to provide it.

Ms Raffo: We need it as soon as possible. Call on Wednesday and Kristen will assist you.

Ms Raffo: I Move to hold a Public Hearing on November 12, 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo: It is necessary to notify everyone within 300 feet of your property. You can obtain the list of names from the Town Tax Office. The notice of the Public Hearing will be in the Times Herald Record's Public Notice Section within the week. Take that notice, copy it and mail it to everyone on the list at least 10 days prior to your scheduled Public Hearing date. Mailings must be sent either by certified or registered mail. Bring your proof of mailings with you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

Ms Raffo: The accessor's office will have the list of names tomorrow when you come in.

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OCTOBER 15, 2007

MEETING CLOSE:

Ms Raffo: There being no further items to be presented, I Move to close the October 15, 2007 Meeting at 9:14 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WLLKILL ZONING BOARD OF APPEALS
DECISION SHEET
OCTOBER 15, 2007

PUBLIC HEARINGS:

CAROL WILSON: Request for a variance of 249-22(D) (1) (area variance):

- 1 Side yard from 20ft to 10.8 ft;
- 2 Side yard from 20ft to 8.5 ft;
- 3 Side yard from 20ft to 15.9 ft;

For an addition to the existing house.

Property located at 30 Rhode Island Avenue

(38 - 7 - 15)

Designated R-1

DECISION: Variances granted

Aye: 7 Johnson, Guenste, Sullivan, Petelinz, Dunn, Wilson, Raffo

Nay: 0

MICHELINA PETRIZZO: Request for a variance of 249-3:

- 1 9ft x 64ft addition to existing garage for a 49ft x 64ft addition;

Property located at 133 Maples Road

(36 - 2 - 15.3)

Designated R-1

DECISION: Variance granted

Aye: 7 Petelinz, Dunn, Wilson, Guenste, Sullivan, Johnson, Raffo

Nay: 0

FLUFFY PUPS

(Christine M. Strommer)

Request for a variance of 249-27(D):

- 1 Front yard from 50ft to 17.2 ft;
- 2 Side yard from 20ft to 7.6 ft;
- 3 Lot area from 40,000 sq/ft to 21,414 sq/ft;
- 4 Lot depth from 200ft to 138ft;

Variance of 249-27(c)(26)(a):

- 5 Dog kennel from 50ft to 7.6ft

To enlarge existing dog grooming site for overnight boarding;

Property located at 2054 Goshen Turnpike

(44-1-38)

DECISION: Variances denied

Aye: 0

Nay: 7 Guenste, Johnson, Sullivan, Dunn, Petelinz, Wilson, Raffo

SIX MONTH EXTENSIONS:

TAC ASSOCIATES:

Request for a six month extension on variances granted on 5/8/06, extended 10/16/06 and 4/9/07:

- 1 Area from 2 acres to 50,806 sq/ft;
- 2 Width from 200ft to 145ft;
- 3 Side yard from 40ft to 35ft;
- 4 Two side yards from 100ft to 85ft;

Property located on Top Notch Road

(32-2-42)

DECISION: Six month extension granted.

Ray Smith

(Stanley and Dorothy Starr): Request for a six month extension on variances granted 4/9/07:

Request for a variance of 249-22 for lots 38-12-6, 7 & 8:

1. side yard set back from 40 to 36.3 ft.
2. Lot #1 area from 18,750 sq/ft to 9,715 sq/ft
3. Lot #2 area from 18,750 sq/ft to 12,035 sq/ft
4. Lot width from 100ft to 67ft.

To permit combination of three (3) existing lots into two

Property located at Watkins Avenue

(38-12-6, 7 and 8); Designated R-1.

DECISION: Six month extension granted.

TOWN OF WALLKILL ZONING BOARD OF APPEAL
OCTOBER 15, 2007

REQUEST: Publication date: October 17, 18 or 19th

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING ~ NOVEMBER MEETING DATE CHANGE

Notice is hereby given that the meeting of the Zoning Board of Appeal, Town of Wallkill, Orange County, New York, Town Hall, 99 Tower Drive – Building A, Middletown, New York, has been rescheduled due to closure of the Town Hall in observance of Veterans Day to:

DATE: November 19, 2007 (Monday)
TIME: 7:30 pm

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: October 17, 18 or 19th

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing of the Zoning Board of Appeals of the Town of Wallkill, Orange County, New York will be held at the Town Hall, 99 Tower Drive – Building A, Middletown, New York on the 19th day of November, 2007, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Anthony and Nancy Tomesheski, Five Bendlin Lane, Howells New York for a variance 249-19(11)(d) for the property of Anthony and Nancy Tomesheeski, Five Bendlin Lane, Howells, New York. Property (33-7-2) located at Five Bendlin Lane, Howells, New York and designated R-A.

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: October 17, 18 or 19th

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

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Fabian Robinson, 518 Rt 211 West, Middletown, New York 10940 for an interpretation for the property of Fabian Robinson, 518 Rt 211 West, Middletown, New York 10940. Property (35-2-2.1) located at 494 Rt 211 West, Middletown, New York 10940 and designated HC.

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: October 17, 18 or 19th

TOWN OF WALLKILL
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PUBLIC HEARING NOTICE

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Jasu Padhya, 606 Florence Avenue, Union Beach, New Jersey 07755 for a variance (249-20) for the property of Jasu Padhya, 606 Florence Avenue, Union Beach, New Jersey 07755. Property (24-1-36.21) located at Two Freezer Road & 599 Silver Lake Scotchtown Roads, Middletown, New York and designated R-2.

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: October 17, 18 or 19th

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

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Jeffrey Baker and Brian Baker, 794 NYS Rt 17M, Middletown, New York 10940 for an interpretation of 249-26 (permitted use) for the property of Jeffrey Baker and Brian Baker, 794 NYS Route 17M, Middletown, New York 10940. Property (22-3-27.21) located at 794 Rt 17 M, Middletown, New York 10940 and designated HC.

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: October 17, 18 or 19th

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

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George D. Miller and Sons, Inc. , 24 Sands Station Road, PO Box 845, Middletown, New York 10940 for a variance of 249-20 (D)(1) for the property of George D. Miller and Sons, Inc, 24 Sands Station Road, PO Box 845, Middletown, New York 10940. Property (65-1-7) located on Miller Heights Road, Middletown, New York 10940 and designated R-2.

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: October 17, 18 or 19th

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

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M&G Services (Starbucks Coffee) , 4250 Veterans Memorial Highway – Suite 170, Holbrook, New York 11741 for a variance of 249-26.1 (33) for the property of Middletown 1 Resources, LP, Three Manhattanville Road, Purchase, New York 10577. Property (50-2-62) located on 51 Orange Plaza Lane, Middletown, New York 10940 and designated TC.

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

E. Raffo
Zoning Board of Appeals

TOWN OF WALLKILL ZONING BOARD OF APPEAL
 OCTOBER 15, 2007

<p style="text-align: center;">TOWN OF WALLKILL ZONING BOARD OF APPEALS <u>PUBLIC HEARING ~ NOVEMBER MEETING DATE</u> <u>CHANGE</u></p> <p>Notice is hereby given that the meeting of the Zoning Board of Appeal, Town of Wallkill, Orange County, New York, Town Hall, 99 Tower Drive – Building A, Middletown, New York, has been rescheduled due to closure of the Town Hall in observance of Veterans Day to:</p> <p>DATE: November 19, 2007 (Monday) TIME: 7:30 pm</p> <p>All parties of interest will be heard at the said time and place.</p> <p style="text-align: right;">E. Raffo Zoning Board of Appeals</p>	<p style="text-align: center;">TOWN OF WALLKILL ZONING BOARD OF APPEALS <u>PUBLIC HEARING NOTICE</u></p> <p>Notice is hereby given that a Public Hearing of the Zoning Board of Appeals of the Town of Wallkill, Orange County, New York will be held at the Town Hall, 99 Tower Drive – Building A, Middletown, New York on the 19th day of November, 2007, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:</p> <p style="text-align: center;">Anthony and Nancy Tomesheski, Five Bendlin Lane, Howells New York for a variance 249-19(11)(d) for the property of Anthony and Nancy Tomesheski, Five Bendlin Lane, Howells, New York. Property (33-7-2) located at Five Bendlin Lane, Howells, New York and designated R-A.</p> <p>All parties of interest will be heard at the said time and place.</p> <p style="text-align: right;">E. Raffo Zoning Board of Appeals</p>
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TOWN OF WALLKILL ZONING BOARD OF APPEAL
OCTOBER 15, 2007

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