

TOWN OF WALLKILL ZONING BOARD OF APPEAL  
NOVEMBER 8, 2004

PRESENT: N. Guenste  
J. Mattatall  
W. Morgan  
R. Schoenberg  
O. Smith, Chairperson  
P. Thompson, Secretary

Joseph Owen, Esquire

ABSENT: E. Raffo

MEETING OPENING:

The November 8, 2004 Zoning Board of Appeals meeting opened with the pledge to the flag followed by the Roll Call and presentation of the October 18, 2004 Meeting Minutes.

The following corrections were noted for the record:

Pg 3	Para 1 Line 1	...site is on <i>Bahrenburg Road</i>
Pg 1	Cover	Absent: J. Owen
Pg 7	Para 17	... house 32 x 42ft.

Mr. Smith: Motion made to second the minutes as corrected; All in favor; Motion carried.

The following applications were reviewed for December 13, 2004, Public Hearings conducted and voted upon as noted.

HEARING REVIEWS (December 13, 2004)

**LEWIS SIGN CO.** (Panara Bread)

Jim Thompson, Lewis Sign Co.: Charlene dad passed away and I am here for her tonight.

Mr. Smith: The sign request exceeds the allowable feet.

Lewis Sign: It is the Dunning Road side that is in question.

Mrs. Thompson: Is this already there?

Lewis Sign: Yes.

Mr. Smith: There is a sign on the front and a big sign on the side as well?

Lewis Sign: It is not that big, really.

Mr. Mattatall: Is it larger than what is on the front?

Lewis Sign: It is 53 sq/ft or half the size.

Mrs. Thompson: The size is what which way?

Lewis Sign: Height: 6ft 10.5 by 7ft 9" wide.

Mr. Smith: I Move to hold a Public Hearing on December 13, 2004 at 7:30 m 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.

**SACCO:** 41 Ontario Avenue

Mr. Smith: Only need front yard from 35ft to 30ft for the porch which is covered.

Mr. Sacco: Yes.

Mrs. Thompson: The porch is how big?

Mr. Sacco: 5 feet and the steps.

Mrs. Thompson: Who did foundation?

Mr. Sacco: DeVries.

Mr. Smith: Something went wrong with this?

Mr. Sacco: I built the 2<sup>nd</sup> one the same as first and it was then that I discovered this. I don't have a problem with the 2 that are already there. I did not know of the problem with the first one. The first one is 41. What happened is that we caught it and we had client who purchased the house and a mother waiting to move in and CO was correct and this problem came up and this is where we are now.

Mrs. Thompson: These people who put the foundation 'off a little' screws everyone up. What can we do about it? You (as builder) assume it is being done right (by foundation people).

Mr. Sacco: I like to bring back setbacks further, so came off 51 feet its off the property line and okay because house and wanted to keep them in line.

Mrs. Thompson: How can we send message to concrete people?

Mr. Sacco: It was not concrete people it was my fault and put it where I thought it should be.

Mr. Smith: I Move to hold a Public Hearing on December 13, 2004 at 7:30 pm or as soon there after 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. Sacco: Is it possible to get a hardship letter for her?

Mr. Smith: You have built in the TOW all along?

Mr. Sacco: Yes.

Mr. Smith: It is

**SACCO:** 10 Dakota Lane

Mr. Smith: This application says 29.

Mr. Sacco: This is the one where the owner wants to move in.

Mr. Smith: Because of the covered porch matter.

Mr. Smith: I Move to hold a Public Hearing on December 13, 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.

PUBLIC HEARINGS:

ALAN GARY REALTY, INC.: Request for a variance of 249-12-F (parking)  
Property located at 24 Bahrenburg Road (SEC 40 BL 1 LOT 34); Designated PID.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 7:58 pm.

Mr. Smith: I Move to open the Public Hearing at 7:59 pm.

Mr. Smith: Please present your application.

Gary Gottley, Alan Mattley and Lorraine Potter:

Gary Gottley: We are here to present application that consists of dual development: 1 is renovation and revitalization of the old barn to new mercantile structure to oriental antique home furnishing and antique brick- a- brack and hope to develop a front new vestibule for entry and access and over the old silo pit stair from one portion to the other. And renovate inside and out to bring it to Code and satisfy our needs. Second is to develop the back part to self storage building with 2 buildings both automated with gates entry cards and access and will be basically manned virtually out of the barn if necessary. People will have a data card to gain access and to their unit and the facility.

In terms of the 2 buildings, Rt 17 is on one side and it is 35 feet to the highway bound and on other side there is a natural boundary of wetlands that is indefinite. On the north and south side - we are in the requirements. Here on 2 bounds on east/west sides of the project and terms of renovation of barn and variances for vestibule on the front (looked at map).

Lorraine Potter: It is 32 feet. We request a variance for the 50 off set for the landscape buffer for relief for the existing building that is there and the proposed mini warehouse in the rear. We asking for relief of parking on the warehouse to NO parking as it is automated system and no one there for the facility and relief for off set for barn and sidewalk as they are within the set back areas.

Mr. Smith: You are asking 5.4 feet.

Lorraine Potter: Yes and the silo with an overhang area which is 2 feet.

Mr.Gottley: Only thing we want to extend is the vestibule to gain better access to the building. We want a vestibule with sidewalk handi-cap accessible to the barn door and it will enable it to be used in the winter months. It enhances look of the barn. Silo is where existing overhang exists. There is door below and above.

Mr. Smith: Where is the door?

Mr. Gottley: In the bottom of the pit; shorten up existing structure and create circle staircase to upper portion of the barn in this area (drawing). Natural walkway to lower area and bump out vestibule to the top. 2 door entry vestibule in terms of that.

Mrs. Thompson: Tear down existing silo roof?

Mr. Gottley: It may fall down it may not be salvageable.

Mr. Smith: Stairs are there?

Ms Potter: Yes. Rebuild and there is door up here (drawing) and silo below (here).

Mr. Gottley: Height will not change that.

Mr. Smith: Circle staircase enclosed on outside of the driveway.

Mr. Gottley: It does not have to be circle it can be 'L'. that is the way the architect envisioned it and we are presenting it.

Mr. Smith: How big of an addition will that big – the dimensions?

Alan Mattley: 42 inch stairway.

Mr. Smith: Can you pull it forward and get more offset?

Mr. Gottley: If on this end (drawing) of 8x8 you could bring more forward.

Alan Mattley: No problem.

Mrs. Thompson: Straight stairs instead.

Alan Mattley: Bottom door and towards the front.

Mr. Gottley: No problem.

Mr. Smith: You have 2 feet – what can you get out of it?

Alan Mattley: Maybe 4 to 6 feet additional.

Ms Potter: We can try for that.

Mr. Smith: It does sit right up on Rt 17 and the few feet will help.

Mr. Smith: Please continue.

Mr. Gottley: We can redesign the staircase.

Mr. Smith: Instead of going out back go forward and save on set back.

Mrs. Thompson: circle stairway you will hve merchandise on 2<sup>nd</sup> floor...

Mr. Gottley: If you look at the entry (drawing) is below ground; merchandise will come in front door which is the 2<sup>nd</sup> floor. Circle stairway is coming from below ground. Someone wanting to get down stairs.

Ms Potter: There are interior stairs. It is just a change.

Mrs. Thompson: I am concerned about building storage in wetlands.

Ms Potter: Only wetlands is .... Wetland delineation was done....along ditch line and where it goes through there (drawing). They were delineated and below 1/10 acre.

Mr. Gottley: The bounds for wetlands are here (map).

Ms Guenste: You are showing it in the storage?

Mr. Gottley: Not in terms of wetlands.

Ms Potter: Delineation can be determined as a ditch line. As most of you know, any open ditches are specifically as wetlands. This is federal and does go to a wetland further down adjacent to the property. You can disturb up to 1/10 acre without permitting. This can be pipe and re-align and consider it drainage. We have wetlands delineated by consultant and spoke with them as far as disturbing this.

Mr. Gottley: We have letter to that effect.

Ms Potter: Three is a culvert there as well.

Alan Mattley: They are not circular steps but regular steps inside – never meant to be circular but want silo look we are going for.

Mr. Smith: Are you planning on taking that (white addition) off?

Mr. Gottley: Renovate it in terms of the building – redone but stay in terms of dimensions. We will re-side in/outside of the barn. It will have one façade.

Alan Mattley: Engineer that looked at the barn said it was sturdy and very well built.

Mr. Gottley: The beam structure is very good.

Ms. Guenste: Exterior and what you do with the building? Keep it red?

Mr. Gottley: Modern maintenance free that gives appearance of barn siding look. We want to keep structure the same as it is now. Keep the barn type siding. We have not seen it and something that will stand up to weather.

Ms. Guenste: What types of plantings along highway. It is not down that far from the highway.

Ms Potter: Mix of pine and deciduous and smaller planting that will grow and fill in the area.

Mr. Smith: Is that just along 17?

Ms Potter: No, barn area and warehouse.

Mr. Smith: Any questions from the Board?

Mrs. Thompson: If he had one set of these would not need variance.

Ms Guenste: Piece across the street will that be developed?

Mr. Gottley: That is not owned by us. If you look you see this (showed pictures).

Mr. Smith: It meets the setbacks.

Mrs. Thompson: If you had one storage unit not need a variance.

Mr. Gottley: Problem is in terms of feasibility. We looked at the project and renovation of the barn is major undertaking and cash outlay. And really want to be proud when finished and to make it pay the cost effectiveness is in self storage piece. In terms from original plans scaled down building from 35ft and longer and in terms of one building not pay to build in terms of square footage and based it on what is cost effective. Other option is 50 feet wide and 2 story which meet set back but this would be less visible. The visibility issue is east bound on Rt 17. from other aspects from other roads, this will be unnoticed virtually. Only on the Bahrenburg road will you see it. You will be 65 on Rt 17 soon and only see it when you are on it.

Mr. Mattatall: With the sidewalk set back no problem if it were dead end, problem with it so close to road with traffic.

Mr. Gottley: It may not be there through discussions – abandoning it.

Ms. Guenste: Have you spoken to the fire department?

Ms Potter: We sent information to them and have not heard from them.

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

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

Mr. Smith: We will treat the barn as one and storage area as another.

Mr. Smith: I Move to close the Public Hearing at 8:21pm; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following variances (barn): setback from 50ft to 6ft; landscape buffer from 50ft to 10ft; stairwell from 6ft to 5.4ft; sidewalk / entry from 50ft to 2ft; Seconded.

#### DISCUSSION:

Ms Guenste: The barn is great idea if keep historic type look and we need to preserve our area. The buffer area is a concern with storage area. People plant trees and they don't do any thing after 15 years.

Mr. Gottley: We will a have façade on the ends and doors will be color matching green and tan, it is not going to look stark block building without character. It will be landscaped around.

Ms Guenste: You see lawn and something that does not grow for 10 years.

Mr. Gottley: We will do what they spec out. Evergreen will give the best value and will do combo of them and other boundary.

Mr. Mattatall: This is a good use for barn and like to see it in stead of letting it rot away. I understand the commercial is needed and only so much you can do with the property when the State took the land.

Mr. Morgan: Good project but see warehouse to look more like the barn and follow the same thing and look more rural and advantageous to you.

Mr. Schoenberg: Like barn idea and accept economic argument although not crazy about the space but understand.

Mrs. Thompson: Glad something nice is going to happen with the barn.

Mr. Smith: It has been there and not self created problem. We will vote on them separately.

J. Owen, Esq.: Is there any obligation on the applicant to complete both parts?

Mrs. Thompson: How do we do that?

J. Owen, Esq.: Make it contingent on the variance.

Mr. Smith: This is considered one project with two parts.

J. Owen, Esq.: The barn could be done first.

Mrs. Thompson: Sign on the back.

Mr. Smith: Sign on other side will stay?

Mr. Gottley: That is a DOT permitted sign and it's a regular license plate sign. We have Highway permit for it and we will keep that sign.

Mrs. Thompson: You will put more signage up and how will you count that?

Mr. Gottley: Leave the character as it is instead of that sign.

Mrs. Thompson: What does it say?

Mr. Gottley 'Christopher Street'.

Mr. Smith: One sign - you will not remove?

Mr. Gottley : Basically what is there is the restaurant on half and other is sewing store 'Quilter's Attic'.

Mrs. Thompson: Remove it?

Mr. Gottley: I don't believe the PB was enthused about the project on the sign alternative.

Mr. Smith: We will have 2 votes. The vote are going to be linked under following condition: signs will be removed from the barn; and that the improvements to the barn will be commenced prior to the building of the self storage area.

J.Owen, Esq.: It is up to them if they will agree to that.

Mr. Smith: You can take the other one down or change them (sign). You will need sign sometime.

Mr. Schoenberg: Both buildings will be completed at same time.

J. Owen, Esq.: Commence prior and it would be finished (barn) before rest of project is completed.

Mr. Smith: Those are the conditions.

Mr. Gottley: The barn is a big project and much bigger than mini storage and no problem starting it and you need CO on whole project.

Mr. Smith: Are you willing to agree to that?

Mr. Smith: Renovations of barn complete prior to commencement of building self storage and completed prior to or at same time of overall project. A second condition is that the signs come off building – they can be moved.

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

DECISION:

Mr. Smith: Variance granted.

Storage Units:

Ms Potter: Parking is within the area which is existing now – does that need separate variance?

Mr. Smith: Not part of your application.

Self storage:

Mr. Smith: I move to grant the following variances: required parking spaces from 4 spaces to 0 spaces; landscape buffer 50ft to 10ft; Seconded.

DISCUSSION:

None.

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

Mr. Smith: The variances are granted subject to the terms 1) improvements to the barn will be commenced prior to the building of the self storage area; 2) the signs will be removed from the barn. Please see the building department.

LEWIS SIGN (Delfino Insulation Co., Inc.): Request for a variance of 249-11-N(1)(a)(1) sign. Property located at 104 O'Haire Road (SEC 46 BL 1 LOT 76.2); Designated MI.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing notice was read at 8:39 pm.

Mr. Smith: I Move to open the Public Hearing at 8:40 pm.

Mr. Smith Please present you application.

James Thompson: We are proposing a sign for Delfino and it is over allowed square footage and need a variance. Permission from NYS Thruway and request the Town of Walkkill.

Mr. Smith: Why so big?

James Thompson: To be seen from Rt 84.

Mr. Schoenberg: There is a sign there on 84 that is large and that was sufficient to find it why neon sign that is quite long?

Mr. Thompson: Yes it is. That sign would come down and only signage on the building and allowed 250 feet of it and extra feet for information from owner of the building.

Mrs. Thompson: New building?

Mr. Thompson: Yes.

Mrs. Thompson: Is that were lawn care use to be?

Mr. Thompson: Use to be, next door.

Mr. Smith: I question the size and you can see the building clearly from Rt 84 and don't know why so big.

James Thompson: We are dealing with people going 65 miles per hour.

Mr. Schoenberg: I don't see why you need to expand by a third.

Ms Guenste: The sign there now does not tell you anything only the name.

James Thompson: The name is only on there. The proposed sign has information.

Mr. Schoenberg: You can put that on existing size.

James Thompson: You are reading 18" now and it will not all fit at that size.

Mr. Mattatall: Individual letters are now 18 " and proposing 36 inch and 24inch. Can you bring size of sign down.

James Thompson: I probably could but how much do you want me to bring it down so you can read it from Rt 84.

Mr. Smith: You have to determine that and what is there is visible. It's a new building and seems our existing law.

Mr. Schoenberg: The law is so that everyone's signs don't become an eye soar.

James Thompson: It does not take up the whole side of the building.

Mr. Smith: Any further comments.

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

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

Mr. Smith: Any comments from the Board?

Mrs. Thompson: You can see it now from 84 and I don't drive on 84 because I don't drive that fast.

Mr. Smith: I Move to close the Public Hearing at 8:45 pm; Seconded; All in favor; Motion carried.

Mr. Smith: I know they wanted something by 84 no hardship here and could have bought another piece of property. I don't think a variance is needed here and do consider it self created, if you think you need it.

Mr. Smith: Any further comments? (no).

Mr. Smith: I Move to grant the following variance for a sign: from 250sq to 377 sq/ft; Seconded.

DISCUSSION: (None).

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

DECISION:

Mr. Smith: The variance is denied.

GLORIA MACKEY / SHARON CRAWFORD: Request for a variance of 249-26-D (lot width) from 130ft to 83ft for construction of a single family home;  
Property located at Gillen / Weld Roads (SEC 3 BL 1 LOT 21); Designated HC.

Mrs. Thompson: The mailings were reviewed by the board and filed by the Secretary. The Public Hearing notice was read at 8:49 pm.

Mr. Smith: I Move to open the Public Hearing at 8:50 pm.

Mr. Smith: Please present your application.

Mr. Smith: You have a lot that requires 130 ft and you have 83ft.

Sharon Crawford: Yes, it is 83 width and 399 long.

Mr. Smith: How long have you owned it?

Sharon Crawford: It was passed through the family and in '73 it was Lumbaro. We did not know we needed a variance and they were not forever. Looking for variance to put up house but up-dated bi-level since 1973 that is 40...We sent in new ones with topo on it. It is a better one. It is 40x40 but when look at house it is 30 on one side

Mr. Smith: We have 28 x 40.

Sharon Crawford: One side has bump out in the back. (showed the drawing to the board).

Mr. Mattatall: We are only dealing with lot width.

Mr. Smith: If it is 40x40 and now we are into more septic because more bedrooms.

Sharon Crawford: A 3 bedroom with den. I brought them (maps) here.

Mr. Mattatall: The power line – will the setbacks work with that.

Sharon Crawford: O&R is next door and power on their side.

Mr. Mattatall: Hard to see.

Mr. Smith: The outside on long is 37ft and 26feet which as noted here. (looked at the drawings) originally given 28 x 40 ft. Using the soils you gave us as 40-B, it is 1.69 acres needed. This is HC which we have as 20,000 sq/ft.

Sharon Crawford: Do you want to see old variance?

Mr. Smith: No, I have that.

Mr. Smith: Any comments from the Board?

Ms. Guenste: You had variance form 1973.

Sharon Crawford: We saw Ms Ingrassia who said it was forever.

Ms. Guenste: It took that long to decide...

Mr. Smith: If you built the house within 6 months of the variance it would be forever.

Sharon Crawford: They did not understand, my uncle, and then through my other aunts, and this aunt.

Mr. Smith: When did you come?

Gloria Mackey: About 7 years.

Mr. Smith: Why now?

Gloria Mackey: We want to build on it now. We misunderstood what they were saying us.

Mr. Smith: It is a general question.

J. Owen, Esq.: You were here 7 years ago?

Sharon Crawford: No. There is a trailer park next door and 2 new houses also. Couple of residences also – just residential. On the right the whole road it was residential. There are a frame houses that they now rent.

Mr. Smith: It is an oversight as far as I am concerned the soils should matter. In HC it is not served by water or sewer and no provision under HC section.

Mrs. Thompson: What does the mobile home have for septic?

Sharon Crawford: One for all of them – community septic and this is far enough away so it does not do anything to it.

Mr. Smith: In other sections if you were RA or zoned differently you would need 2 acres based on soils.

Mrs. Thompson: Even way back when.

Mr. Yanosh: It is 1.4 acre back then and now 2.

Mr. Smith: You have septic design which can be reviewed by Town Engineer.

Sharon Crawford: It was done by Eustace Horowitz. It was done before we knew we needed up date.

Mr. Yanosh: It was 8/20/04 was reviewed and approved by town engineer.

Mr. Smith: Designed for 3 bedroom.

Gloria Mackey: My mother sews and has millions of boxes and industrial sewing machine.

Mr. Smith: Any questions from the Public?

Steve Lindsay, 180 Weld Road: I own the mobile park next door. The septic is expensive sand filtration system and that is one of my concerns. The land they propose to build on is low and well water and have 13 families and are monitored by the state and if had to relocate would have to go closer to them.

Sharon Crawford: The future - he already has his.

Mr. Smith: I received a letter 8/20 that the septic was checked and approved. (into the record).

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

Mr. Smith: Any further comments from the Board?

Mrs. Thompson: They fit in the side yards and is there anything else?

Mr. Mattatall: Fit in all the setbacks and meet everything else for HC.

Mr. Smith: I Move to close the public haring at 9:05 pm.; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following variance: 249-26-D lot 130 to 83ft width; Seconded.

DISCUSISON: (none)

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

Mr. Smith: The variance is approved. You have 6 months to start work and it can be extended but you must request it from the board.

ANGELO FERRANTE: Request for a variance of 249-22-D (set back) from 15ft to 10ft; rear from 70ft to 25ft; 2 side yards from 30ft to 22ft; lot width from 80ft to 50.1ft; Property located on Connor Street (SEC 51 BL 4 LOT 17); Designated R-1.

Mrs. Thompson: The mailings were reviewed by the board and filed by the Secretary. The Public Hearing Notice was read at 9:07 pm.

Mr. Smith: I Move to open the Public Hearing at 9:08 pm.

Mr. Ferrante: We have a 50 x 100 existing lot on Connors Street and need size, width, side yard setbacks.

Mr. Smith: The person has owned it for ever why developed now?

Mr. Ferrante: No property available near it now.

Mr. Smith: He has owned it forever.

Mrs. Thompson: I have seen the property. The house is too big for the property. When the snow plow comes through where will they throw the snow – in your driveway?

Mr. Ferrante: Our driveway is to the side. Push it forward.

Ms. Guenste: Looking at this it is tiny but layout – you say larger for the width than this.

Mr. Ferrante: We can shrink it down, too.

Ms. Guesnste: You are jamming too much in.

Mr. Schoenberg: The lot is too small.

Mr. Mattatall: You have a lot of house of this. The scale drawing is not to scale – the math does not work out and off by 6 feet plus. You look at houses in the community the lots are small and houses are small.

Mr. Ferrante: What are you comfortable with?

Ms. Guenste: I looked at it and amazed you try to put 32 x 42 feet in this spot. I just could not believe it. If you came in with one bedroom unit nice cute cozy but to put a house...

Mr. Smith: Any questions from the Public?

Mr. Ferrante: Connors Street is a dead end off Silver Lake Scotchtown and adjoins Lake Ridge town homes in the rear – just for overview.

Ken Forton, 151 Ledge Road: I own the property right behind the piece you are talking about – north street

Mrs. Thompson: With the dead tree?

Ken Forton: Yes. Not really set back from our property. At least if he is going to put in a fence, I don't know how to go about doing that.

Mr. Smith: Not against house a house going in?

Ken Forton: No. Other thing, the plowed snow - not sure where it will go. Now there is no place to put it and it goes in my friends. That is what I wanted to add. If you build match fence to fence going around condos.

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

Mr. Smith: Any comments from the Board?

Mrs. Thompson: Its too small and problem with snow plowing.

Mr. Smith: Why is it coming before us now. Time has passed this lot by. In past he could have picked up land on each side. Not same as surrounding and they are mostly on double or oversized lots. Does not match community. Looks like stuffed sausage.

Mr. Ferrante: If you want something affordable this is it.

Mr. Smith: He has plenty of time and something that is self-created.

Mr. Ferrante: He did not cut it up and its existing.

Mr. Smith: He bought it this way.

Mr. Ferrante: The zoning was different.

Mr. Smith: It is a long time ago that the lot would be buildable.

Mrs. Thompson: It will create problems – town vehicles, garbage and snow plows. You don't own across the street.

Mr. Ferrante: The neighbor had no problem with it.

Mr. Mattatal: How many stories?

Mr. Ferrante: A bi-level about 1600 sq/ft.

Mrs. Thompson: There are houses where have same sized lots and not approved a house this size in the area.

Mr. Ferrante: What size do you allow?

Mrs. Thompson: 26 feet wide.

Mr. Ferrante: 26 x 40.

Mr. Smith: You have thru streets, it should have been acted on it before.

Mrs. Thompson: Who owns it?

Mr. Ferrante: Mr. Lawton, he is selling it. We are willing to do what ever size you want and it is pre existing and can't add to it.

Mrs. Thompson: I am sorry.

Mr. Smith: I Move to close the Public Hearing at 9:19 pm; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following variance: 1) set back from 15ft to 10ft; 2) rear yard from 70ft to 25ft; 3) 2 side yards from 30ft to 22 ft; 4) lot width from 80ft to 50.1 ft; Seconded. Mrs. Thompson: I mentioned the other ones in town.

DISCUSSION:

Mr. Mattatall: It is a substantial request. We have concerns about snow removal and no place to put snow and as stated opportunity to do something for years that have passed by and not the only one that fits this criteria.

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

Mr. Smith: The variances are denied.

FLUFFY PUPS: Request for a variance of 249-27-C21 (building size) from 5000 sq/ft to 900 sq/ft; Property located at 2054 Goshen Turnpike (SEC 44 BL 1 LOT 38); Designated MI.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 9:22 pm.

Mr. Smith: I Move to open the Public Hearing at 9:23 pm.

Mr. Smith: Please present your application.

Christine Strommer / Kevin Strommer: We are joint owners of the property which was used as a personal residence but it is in MI and want to use it as a dog grooming shop.

Mr. Smith: You are asking for size variance. Any questions from the Board?

Ms. Guenste: No boarding?

Mrs. Strommer: No I am going home at night.

Mr. Mattatall: This is a better use for that building and no problem.

Mr. Smith: It's a better use and not going to impact neighborhood. How many parking spaces?

Mrs. Strommer: 5 and one for handicap.

Mr. Schoenberg: Good luck.

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

Mr. Smith: Any further comments from the Board?

Mrs. Thompson: No problem with it.

Mr. Smith: I Move to close the Public Haring at 9:26 pm.; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following area variance from 5000 sq/ft to 900 sq/ft; Seconded.

DISCUSISON: None.

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

DECISION:

Mr. Smith: The variance is granted.

JOSEPH FINI: Request for a variance of 249-19-D (lot size) from 40,000 sq/ft to 1 acre) and (249-19) front yard set back from 60ft to 55ft; Property located on Stage Road (SEC 61 BL 1 LOT 39.22); Designated RA.

Mrs. Thompson: The mailings were reviewed by the board and filed by the Secretary. The Public Hearing Notice was read at 9:27 pm.

Mr. Smith: I Move to open the Public Hearing at 9:28 pm.

Mr. Smith: Please present your application.

Joseph Fini: Building permit for single family house on one acre. The septic meets the set backs.

Mrs. Thompson: I was not sure I was looking at the right place – big pile of stuff. Next to Tom's.

Public: They are taking it away Thursday.

Mrs. Thompson: There is a lot of land available.

Mr. Fini: None of it is available. Not at practical price. Too much money. They want ridiculous figure and they don't really want to sell it.

Mrs. Thompson: Gravel pit wanted it for access for Stage Road.

Mr. Fini: She wants to sell it for 1.5 million. She owns both parcels and wants to sell everything as one shot. Wants to sell whole thing.

Mrs. Thompson: Can you get anything from Schapiros in the back?

Mr. Fini: I don't know how far her piece goes back.

Mr. Smith: Any comments from the Board?

Ms. Guenste: What is the soil types? Did this require 3.5 acres? This is RA?

Mr. Smith: I have a letter from Mr. Fini – RHB / RC. That will not help us. Minimum lot size is 2 acres.

Nick Curabba, Real estate agent.

Mr. Smith: You have to pick up more land.

Mr. Curabba: Where?

Mr. Smith: Everyone says the same thing.

Mrs. Thompson: How long has she owned the land?

Mr. Curabba: Years and years. Sub divided in 1992 or something like that.

Mrs. Thompson: Even back then before the 2 aced zoning you needed 1.25 acres because of soils you have here.

Mr. Curabba: It is good soils?

Mr. Smith: Yes.

Mr. Curabba: If there is no land available – what can the client do with one acre. Isn't that legitimate hardship.

Mr. Smith: When did you buy it?

Mr. Fini: I did not; if I get a permit I'll buy it.

Mr. Mattatall: This is more recent than Connors earlier and it was small when subdivided.

Mr. Curabba: In 1992.

Mr. Smith: You proposing 4 bedroom with undersized lot and immediately question that.

Mr. Curabba: Soils are good, that is why designed for 4.

Mr. Smith: Comments from the Public?

Fran Zeffiro, 540 Stony Ford Road: First question – zoned RA how RA if we are MI?

Mr. Curabba: Letter from the town that changed zoning to RA.

Mrs. Thompson: It was not that long ago.

Sal Zeffiro: It was subdivided in 1969 and maybe could build then. Stage Road with 5 families. We want to keep it to 2 acres, there is a dirt road and barely maintained by the Town, buses will not go down the road.

Sal Zeffiro: I thought it was master plan to make it all RA.

Mr. Smith: Now it is not.

Sal Zeffiro: Original subdivided when my brother bought it. My aunt owned back property and her husband died and my uncle died and Tommy bought the house and left one acre in the back. Always 2 acres. There other acreage.

Mr. Smith: How much do you have?

Sal Zeffiro: 2.3 acres.

Nicole Dorn, 366 Stage Road: I live next door to it and had for year and a half and when we were shown the property we thought we had more than we did, we found out at closing that stakes were moved and told it was a 2 acres and why we bought. We have problem with leech fields right next to where that would be.

Russell Smiley, 201 Stage Road: I am oppose this, if 2 acres that is the standard and this is 50% and individual would survive on 50% of the standards. It can become high density area very quickly.

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

Mr. Smith: Comments from the Board?

Mr. Smith: I think we have self created difficulty and don't think that it will be an impact on the community but over ridden by self created. Neighbors made valid points and don't want nh diminished – houses built on smaller lots. It is zoned for 2 acre lots. You will have to come up with another acre.

Mr. Curabba: In 1969 when it was sub divided and 2 years ago moved to RA by the board with assumption house would be built there.

Mr. Smith: When zone changed that is when you speak up.

Mr. Curabba: Why change it. I guess the owner ...

Ms Zaffero: Everyone is MI. The original owner was Irene Zefferro. She requested change 2 years ago back to RA because adjoining is RA – that is why it happened.

Mr. Curabba; If it is pre existing, what will they do with it if they don't get a variance?

Mr. Smith: Add to it or sell it. Basically you are hearing it will be undesirable change to neighborhood and that is one of our criteria we look at.

Mr. Curabba; Building a 350k house in that NH will not be detrimental. People build houses next to neighbors if available lot. It happens.

Mr. Smith: They can do it as long as comply with zoning.

Mr. Curabba; Towns have pre existing lot and you can't do anything with pre existing lot and its not really taking away from NH.

Mr. Smith: You don't own it. It was part of larger lot and something should have been done before. There was a zone change. None of that happened. You now want 50% decrease in lot area and the neighbor showed up to say they complied and now you comply.

Mrs. Thompson: Do you own Doran's property?

Mr. Curabba: No.

Ms. Guenste: We changed zoning for a reason to get 2 acre not 1 acre; soil says 2 acres, and they may have changed to RA and should be aware when asking for zoning it affects requirement on the lot. Self created hardship. If we allow one to put on an acre someone else will come along with similar situation. We look at sewer and water and affect it will have. When changed to 2 acre they were looking at it.

Mr. Schoenberg: He as remedy to this he can walk away from it.

Mr. Smith: You can walk away from it. The owner can come before us if they have a problem. The answer is right there.

Mr. Smith: I Move to close the Public Hearing at 9:46 pm; Seconded; All in favor; Motion carried.

Mr. Smith: I Move to grant the following variance: 1) (249-19-D (lot size) from 40,000 sq/ft to 1 acre; 2) (front yard set back) from 60ft to 55ft; Seconded.

DISCUSSION:

Mrs. Thompson: Everything has been said.

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

Mr. Smith: The variance is denied.

CORRESPONDENCE:

Mr. Smith: The following requests have been received for a six month extension on variance(s) previously granted.

STRAM DEVELOPMENT, EXT.

Request for extension of an area variance granted on 8/11 2003.

Mr. Smith: This was granted over a year ago and expired over 6 months ago.

Mr. Smith: I Move to that request be denied; Seconded.

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

Mr. Smith: Request read into the record and filed by the secretary.

CAROL & STEVE CARRIZZO: Granted on May 10, 2004:

Variance of 249-3 (accessory building) for a horse barn from 28x28 to 36x48ft; Property located at 95 Howells Road (SEC 49 BL 1 LOT 44); Designated RA.

Mr. Smith: The request is from Ms Carrizzo who requested a 6 month extension so complete and detail permit.

Mr. Smith: I Move to grant a six month extension for the variance granted May 10<sup>th</sup> Seconded; All in favor; Motion carried.

HEARING REVIEW (Cont'd.)

**MONACO:** Carport roof

James A. Dillin: We want to amend the variance 20x20 carport in front of the house. The drawing shows it next and they have paved drive and want 20x20 carport – just roof overhand in front of the house.

Mr. Smith: Start line of house forward and to north side.

James A. Dillin: A 35ft to 20ft variance.

Mrs. Thompson: Why not get rid of the shed?

James A. Dillin: The side yard reduced down to 8 feet and front yard 35ft down to 20ft. No sides just cover over top.

Ms. Guenste: Extending what is there now?

James A. Dillin: Yes.

Mr. Mattatall: Existing 1 story proposed 2 story?

James A. Dillin: That does not need a variance. IT is one story ranch now and making 2 story.

Mrs. Thompson: Single family?

James A. Dillin: Yes.

Mr. Schoenberg: How big is the shed?

James A. Dillin: 8 x 16

Mrs. Thompson: One in the back too, how many do they need.

Mr. Smith: I Move to hold a Public Hearing on December 13, 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.

**VUK CONSTRUCTION:**

James A. Dillin: It is a an exiting lot by the fair grounds on Hulse and has existing abandoned dwelling on it; tear it down and put in new building and is pre-existing lot and requires 20k and 17498 sq/ft and has sewer and water.

Mr. Smith: HC with public sewer / water is 10,000, it is when you are not served.

James A. Dillin: Told we needed an area and 10 foot deck and only have 40 feet rear yard and are required for 40 feet.

Mr. Smith: We will check into this HC.

Mr. Smith: This is overall lot with dilapidated building to be removed and put new house on it.

Mrs. Thompson: It is on Hulse Avenue and funny shaped.

James A. Dillin: It is 3 lots combined and goes to 1910.

Mrs. Thompson: Neighbors are on the side.

James A. Dillin: We are larger lot in the vicinity. Put new house in the center. The only thing for the house is 10 foot variance for the deck. It is bi-level.

Mr. Smith: HC and you need deck.

Mr. Smith: I Move to hold a Public Hearing on December 13, 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.

NEW BUSINESS:

Mr. Yanosh: Use variance for pizzeria.

Mr. Smith: You will need a new application for use variance.

Mr. Yanosh: Neighborhood for this is 2100 sq/ft in the building so need variance for addition we need to. Board application is addition and size is needed.

Mr. Smith: If you have 2100 sq/ft the maximum is 1500 sq/ft.

Mr. Yanosh: New application is needed.

Mr. Smith: You need a new application for the addition you are proposing. Zoned R-2.

Mr. Yanosh: A pizzeria needs a use variance and 2 uses on one lot.

Mr. Smith: Only way to address is to reapply.

Mr. Yanosh: We will do that.

MEETING CLOSE:

Mr. Smith: There being no further items to be presented, I Move to close the Public Hearing at 10:08 pm; Seconded; All in favor; Motion carried.

Seconded; All in favor; Motion carried.

TOWN OF WALLKILL ZONING BOARD OF APPEALS  
DECISION SHEET  
NOVEMBER 8, 2004

ALAN GARY REALTY, INC.: Request for a variances for barn and storage units:  
Barn setback from 50ft to 6ft;  
Landscape buffer from 50ft to 10ft;  
Stairwell from 6ft to 5.4ft;  
Sidewalk / entry from 50ft to 2ft;  
Storage units: 249-12-F (parking) from 4 spaces to 0 spaces;  
Property located at 24 Bahrenburg Road  
(SEC 40 BL 1 LOT 34); Designated PID.

DECISION: Variances granted subject to:

Renovations of barn be completed prior to the commencement of the building of the self storage units and completed prior to or at same time of over all project.

Signs will be removed from the barn.

LEWIS SIGN  
(Delfino Insulation Co., Inc.)

Request for a variance of 249-11-N(1)(a)(1) sign square footage from 250 sq/ft to 377 sq/ft;  
Property located at 104 O'Haire Road  
(SEC 46 BL 1 LOT 76.2); Designated MI.

DECISION: Variance request denied.

GLORIA MACKEY /  
SHARON CRAWFORD

Request for a variance of 249-26-D (lot width) from 130ft to 83ft for construction of a single family home;  
Property located at Gillen / Weld Roads  
(SEC 3 BL 1 LOT 21); Designated HC.

DECISION: Variance request granted.

ANGELO FERRANTE

Request for the following variances of 249-22-D (set back)  
1) set back from 15ft to 10ft;  
2) rear yard from 70ft to 25ft;  
3) 2 side yards from 30ft to 22 ft;  
4) lot width from 80ft to 50.1 ft;  
Property located on Connor Street  
(SEC 51 BL 4 LOT 17); Designated R-1.

DECISION: Variances denied.

FLUFFY PUPS

Request for a variance of 249-27-C21 (building size) from 5000 sq/ft to 900 sq/ft; For dog grooming studio;  
Property located at 2054 Goshen Turnpike  
(SEC 44 BL 1 LOT 38); Designated MI.

DECISION: Variance granted.

DECISION SHEET (November 8)  
(Cont'd.)

JOSEPH FINI

Request for the following variances:

- 1) (249-19-D (lot size) from 40,000 sq/ft to 1 acre;
  - 2) (249-19 (front yard set back) from 60ft to 55ft;
- Property located on Stage Road  
(SEC 61 BL 1 LOT 39.22); Designated RA.

DECISION: Variances denied.

6 MONTH EXTENSION:

CAROL & STEVE CARRIZZO:

Variance granted on May 10, 2004 (249-3 (accessory building) for a horse barn from 28x28 to 36x48ft; Property located at 95 Howells Road (SEC 49 BL 1 LOT 44); Designated RA.

Granted 6 month extension for completion of project.

STRAM DEVELOPMENT

Variance granted on 8/11/2003.

Denied 6 month extension.