

TOWN OF WALLKILL  
ZONING BOARD OF APPEALS

December 8, 2008

PRESENT:

Mr. K. Dunn  
Mr. E. Johnson  
Ms S. Najac  
Ms M. Petelinz  
Ms E. Raffo, Chairperson  
Ms Sullivan  
Mr. S. Wilson

J. Owen, Esq.

MEETING OPENING:

Ms Raffo: The meeting was opened with the pledge to the flag, roll call and presentation of the November 10, 2008 Meeting Minutes.

Ms Raffo: I Move to accepted the November 10, 2008 Minutes; Seconded (Johnson); All in favor; Motion carried.

The following Continuances, Reviews (January 12, 2009) and Public Hearings were conducted and voted upon as noted.

CORRESPONDENCE:

VENDA

Ms Raffo: We have received a request from the 'Venda' application for the letter mailed to serve as a request to postpone until the January meeting. The hydrologist had questions and they are addressing his concerns.

Ms Raffo: I Move to postpone the continuance of the application to January 12, 2009; Seconded (Johnson); All in favor; Motion carried.

QUICK CHEK

Ms Raffo: We have received a request for a postponement to January for the Quick Chek application. I Move to postpone the continuance of the application to January 12, 2009; Seconded; All in favor; Motion carried.

DECISION:

Jada Development:

Ms Raffo: This Public Hearing was closed on October 6, 2008 and the vote is to be taken.

Ms Raffo: The Public Hearing was closed in October and postponed because Jada’s attorney had submissions for the Board’s review that he wanted. We have reviewed them and I find on Jada this is a substantial request. They wish to go from 2 acres to ¾ of an acre. Adverse affect: this is an area where the Town Code says no septic; Jada submitted for variance because they have engineered septic. I have find problems with that as there are no guarantees if the power goes out and if there is a generator, no guarantee the generator will operate by the owner. It is near the wells. Other houses small and built before zoning code and are old buildings and we have been stringent on houses on small lots in RA where there is no water and sewer. I also feel it was self created, Jada claims they would not have spent money if they did not think they could build on the lot – for any one to spend the amount of money they did it was incumbent on them to do their research before they did that. No sense spending \$120,000 without doing the research first. The fact there was once a permit does not give anyone the right to build there and it was revoked. Therefore, I am voting ‘no’.

Mr. Johnson: It is a change to the neighborhood. It is substantial in lot size reduction. The Town says no septic is allowed so they have an engineered system with electric and weather can be bad and be a problem. It is self-created and was done after zone change.

Ms Petelinz: For the reasons stated, I vote ‘no’.

Ms Sullivan: Also, for reasons mentioned already, I vote ‘no’.

Ms Najac: For the reasons stated, I am voting ‘no’.

Mr. Dunn: For these reasons – ‘no’.

Mr. Wilson: This is a substantial request and also am voting ‘no’.

VOTE:

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

DECISION:

Ms Raffo: The variance is denied.

CONTINUANCE:

Venda Properties

Request for a use variance

(mine, sand and gravel)  
Property located on Goshen Turnpike  
(60-1-68.13)  
Designated OR

Ms Raffo: This was moved to continue the Public Hearing to January 12, 2009.

PUBLIC HEARINGS:

Lewis Sign  
(Saxton Sign Corp.): Request for a variance of 249-11(1)(A):  
1. oversized sign encompassing 122.9 sq/ft;  
Property located at 468 Route 211 East  
(50-2-63)  
Designated TC

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

Ms Raffo: I Move to open the Public Hearing at 7:44 pm.

Liz Manning (Lewis Sign) I am here with Pat Bonnie (Saxton Sign). This is the TD Bank North on Rt 211 East and currently there is a lot of sign on the building. They want to refresh the canopy on drive-thru and also remove MSB Travel sign.

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

Ms Raffo: Any questions or comments from the Board?

Mr. Wilson: At the Hearing Review it was how big of a variance is needed?

Liz Manning: Yes, on the original cover letter 122.9 total.

Mr. Wilson: You gave bunch of calculations.

Liz Manning: According to Code and Mr. Barrett it is 1 sq/ft per linear foot which is 40.3 sq/ft on front of building and he insists it is side with the address that faces Rt 211. and 40 sq/ft is really restrictive sign area for business of this size. However, the other is 97 feet long and the Main Entrance is on longer side – 97ft side.

Ms Raffo: This is opposite the Main Entrance?

Mr. Wilson: It will replace 122 sq/ft.?

Liz Manning: 164.1 sq/ft on the building: 4 TD Bank and 2 MSB. We remove 83.27 sq/ft that would be travel agency side and one on drive thru canopy. And add in with new driv-thru canopy 32.5.

Mr. Wilson: Less than originally requested?

Mr. Johnson: It is down from 122.

Liz Manning: Yes. The building is sideways on the property if it was not 1 foot off. Another code 1.25 sq/ft sign area If if no free standing on the property and in this case there is not pertaining to TD Bank. That would give us 122.5 sq/ft allowance for sign.

Ms Raffo: I Move to close the Public Hearing at 7:49pm; Seconded (Wilson); All in favor; Motion carried.

Ms Raffo: I Move to grant a variance for sign to oversized sign to allow for a sign encompassing 122.9 sq/ft; Seconded (Wilson)

DISCUSSION: (none)

VOTE:

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

DECISION:

Ms Raffo: The variance is granted and you must commence work within 6 months or return for an extension before it expires.

Alexander and Laura Torres: Request for an oversized accessory building:  
1. accessory building from 28x28ft to 30ft x 48ft;  
Property located at 421-423 Midland Lake Road  
(24-1-57.2 )  
Designated R-2

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

Ms Raffo: I Move to open the Public Hearing at 7:51 pm.

Mr. Torres: I want to put a pole barn in back part of property to store stuff I have. I got rid of red trailer I have and I want to get the stuff out of the attic.

Ms Raffo: Any question from the Public?

Lawrence Weiss, 433 Midland Lake Road: Contiguous to this and have no problem with it what so ever.

Ms Raffo: Any questions from the Board?

Mr. Johnson: It is just behind the plane of the house.

Mr. Wilson: How are you going to access to it?

Mr. Torres: Item 4 and go right of black top.

Ms Raffo: It is a bit further.

Mr. Torres: It is a bit more level by the pool.

Ms Raffo: I had a concern about the size and it is bigger than the house but now it is set back further than the house and neighbor does not have a problem, I don't see a problem.

Ms Raffo: This is for personal property only?

Mr. Torres: Yes, only personal.

Ms Raffo: I Move to close the Public Hearing at 7:55 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant an accessory building from 28x28 to 30 x 48ft; Seconded (Sullivan).

DISCUSSION: (none)

VOTE:

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

DECISION:

Ms Raffo: The variance is granted. See the building department and you must start within 6 months or you will have to start over.

Laura Fiorillo and  
Evan Kurtz:

Request for a variance of 249-20:

1. area from 1.5 to 0.7 acres;
2. lot width from 150ft to 106ft;
3. oversized accessory building in front of primary residence; and,
4. front yard set back from 35ft to 24ft;

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

Designated R-2

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

Ms Raffo: I Move to open the Public Hearing at 7:57 pm.

Ms Raffo: You were here before and did not start; it has a big barn?

Ms Fiorillo: Yes.

Ms Raffo: Any questions from the Public?

Michael Korzan, next door: I don't know any of the details and have not made decision.

Ms Raffo: She has property with a barn and she wants to build a house and barn is already there (showed him the drawing) it will be staying for reason of personal storage.

Ms Fiorillo: This is less than an acre now. I will be a little behind you.

Michael Korzan: It is where ...

Ms Fiorillo: ...closer to the line, it will stay within the trees here (drawing). It expired and we are starting over.

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

Ms Raffo: Any questions or comments from the Board?

Mr. Wilson: On the application – it says a USE not AREA variance. Is this a one family dwelling?

Ms Fiorillo: Yes.

Mr. Johnson: Originally 2 family?

Ms Fiorillo: That was squashed last time in the beginning.

Michael Korzan: I wish I had a better idea of where this is I was not a home owner there. I know where the barn is.

Ms Raffo: They are short on area size – zoning has recently changed so lot existed before that. I don't know how big her lot is and they are closer to one side than they should be. They have the barn that is already there.

Michael Korzan: What?

Ms Fiorillo: It should be behind the house, not in front, and because of its character wanted to keep it.

Ms Raffo: Any further questions?

Michael Korzan: I have no objections.

Ms Raffo: I Move to close the Public Hearing at 8:03pm; Seconded (Sullivan); All in favor; Motion carried.

Ms Raffo: I Move to grant the following variances: 1) lot area from 1.5 acres to 0.7 acres; lot width from 150 to 106 ft; 3) location of an oversize accessory building in front of the primary building; 4) front yard set back from 35ft to 24ft; Seconded (Sullivan).

DISCUSSION: (none)

VOTE:

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

DECISION:

Ms Raffo: The variances are granted. Please start before the 6 months or you will have to return.

Stewarts Shops Corp. Request for a variance of 247-27-(1)(E) (front yard);  
Property located at 333 Tower Road  
(98-1-39)  
Designated ENT-L.

Ms Raffo: The applicants are not present.

Mr. Wilson: They may have found they do not require a variance.

REVIEWS: January 12, 2009

Wayne A. Kelvasa (oversized garage)

Ms Raffo: This is for a garage on Howells Road from 28x28ft to 24x48 feet. You should have drawings.

Mr. Kelvasa: We want to get everything in the garage – ATV, etc. it is 24 x 40ft is what I am asking for.

Mr. Wilson: This is residential?

Mr. Kelvasa: Yes.

Ms Raffo: There is a question on the map that was submitted to the building department which shows a different size garage. You need to correct that.

Mr. Kelvasa: We felt we had to go for the variance we went larger. We have plenty of clearance.

Ms Raffo: I Move to hold a Public Hearing on January 12, 2009 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 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 15 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.

Fischer:

James and Shirley Fischer (Outdoor boiler)

Mr. Fischer: I need variance for outside boiler and have just under 2 acres and am in RA. I have no neighbors near me. I own property on the side.

Ms Raffo: I am trying to understand the maps. You have house marked as 50 ft from lot line, but then the boiler is at 35 feet.

Mr. Fischer: It is 35 ft from house now. It would be 35 feet from other property.

Ms Raffo: From map I am looking at - it is not possible.

Mr. Fischer: It is 85 feet from looking at this.

Mr. Wilson: It is not less than 75 feet and 25 feet from the line.

Mr. Fischer: I wish I had done this before. I have 2 acres and the variance was on that. Far from everyone else.

Ms Raffo: You need a variance to have it since you don't have 2 acres. How much on this lot?

Mr. Fischer: There is 1.87 acres if they were combined.

Ms Raffo: You don't need the property line.

Ms Raffo: Lot area from 2 to 1.87 acres. This is new and all of this in the town ordinance still has to be met. To install outdoor boiler.

Mr. Fischer: The furnace is all EPA approved.

Mr. Wilson: Make sure the actual is in fact 75 feet and if you need the variance you can tell us.

Ms Raffo: Measure it and if you within 75 feet call town and we will amend application. From what you have here and the house is 50 feet you need to check.

Ms Raffo: I Move to hold a Public Hearing on January 12, 2009 at 7:30 pm or as soon 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 15 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.

William and Laurie Yungmann, (accessory building)

Mr. Yungmann: We are looking to put 36x36 with Gabriel roof and apartment for son who is special ed who is 17 and we want him to have privacy and still have him our bounds. There is a shed there now and it will be coming out and garage take up that area.

Ms Sullivan: Please explain.

Ms Yungmann: It is coming out only bigger.

Mr. Johnson: It is on the line?

Mr. Yungmann: See the existing shed. Years ago it was a kennel where they use to raise beagles.

Ms Raffo: Any questions on the application?

Mr. Wilson: Apartment for your son with the disability?

Mr. Yungmann: Yes.

Ms Raffo: The variance for apartment over garage family members only and it may never be rented. This is for a oversized accessory building (garage with apartment above).

Ms Raffo: I Move to hold a Public Hearing on January 12, 2009 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 15 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.

Alzina Fayan, (road frontage)

Gary Miller: (for Mr. Bedal): We need to transfer over to her.

Ms Favan: I have purchased it and held in contract for some times, 13 feet short and here as owner. I had it engineer

Ms Raffo: You are applying for the variance yourself as the owner?

Ms Favan: Yes.

Ms Raffo: A problem with the map – it shows us nothing. We need to know what you are asking for?

Ms Favan: I originally had 6.5 acres with original purchase order. Ready to build and at closing short 1.5 acres and paid taxes for 20 some years.

Ms Raffo: I need 13 feet for variance for what?

Mr. Wilson: You have to have proposed building.

Ms Favan: It is a 5 subdivision, neighbor has 17 acres and other bought 5.

Ms Raffo: I understand you have large lot.

Ms Favan: We had to build a road which hung us up for 2 years.

Mr. Dunn: Which lot is yours?

Ms Favon: It was originally 6.5 acres.

Mr. Wilson: Where is it on the map?

Ms Favon: Up on the hill in back away from the road frontage.

Mr. Wilson: Trying to see where the lot lines are on the map.

Ms Favon: 17 acres over here and got acre from me and other got a half-acre.

Ms Raffo: That is fine, we have to be able to read the map.

Mr. Wilson: Left side it comes down and almost like a flag lot.

Ms Favon: Mohegan Reservoir is here (drawing). Same location as house beside me.

Mr. Wilson: The driveway is the neighbors.

Ms Favon: Goes to fence of the reservoir.

Ms Raffo: This is for road frontage from 200ft to 187ft. We need contact number.

Ms Favon: 845.562.2077.

Ms Raffo: Hold a public hearing on January 12, 2009 at 7:30pm 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 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 15 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: Get the list from the Assessor's Office.

Ms Favon: I am going to Las Vegas for a month.

Ms Raffo: Do you want to put this on to February?

(Person with applicant): I can do it. I have the addresses.

Ms Favon: Is there an instruction sheet to follow.

Ms Raffo: It was with the application and if you have questions call the Town office.

CONTINUE:

Greenwood Realty Co. /

Richard Cappelouzzo: Request for a variance of 249-20(D)(1)

1. lot area,
2. width; and,
3. frontage

Property located at 582 & 588 Silver Lake Scotchtown Rd  
(81-2-1.1 and 1.2)

Designated R-2

Burt Blustein, Esq., Blustein, Shapiro and Rich, LLP:

Ms Raffo: I have a letter from Greenwood Realty that it was filed in error: Richard Cappelouzzo is the applicant and that Greenwood Realty in fact is the same as Richard Cappelouzzo.

Burt Blustein, Esq.: I have been asked to stand up for Mr. Cappelouzzo.

Last time there were 4 members present and submitted 7 or 8 memorandums and are hopeful you took time individually to read the memorandum stating our position. He purchased it 1974 commercial slaughter house and used it as meat distribution company and it was discontinued in 1979 and the property was torn down completely 20 years ago.

It has been vacant since 3.84 acres in mature nh and by my count 182 houses and totally out of character with the neighborhood and the neighborhood was developed in early 70s.

On the property he wants to put in 7 lots and they are 16,000 sq/ft or greater and like other lots in neighborhood. And in town law the ZBA did a flat braun test. We submitted review by Stewart Tuner land planner and surveyed area and 3.48 acres is out of character and zoning and variance for 16,000 or greater appropriate. In prior appearances neighbors grant variance so lots come into play. It is a desirable change because completely conform to character of neighborhood. Can this result by other means – no clearly. Is variance substantial – yes it is but not make it an inappropriate request. Is it adverse impact to the neighborhood – according to rest of neighbors no it is desirable and it has water sewer and no evidence in record that the lots cause adverse affect. No self created as he bought in 1974 when 15000 for each lot and therefore the application meets criteria and asking board to approve 7 lots.

Ms Raffo: This is continued, is there anyone from the Public? (no)

Ms Raffo: Question or comments from the Board?

Mr. Johnson: If the variance is not granted, do you not feel you could get return for the property?

B. Blustein, Esq.: The question is more geared to use than area. From all the people in neighborhood if the lots are out of character reduce value of their homes. I respect their judgment and it is probably true. No reasonable return it sat vacant for 30 years and torn down for over 20

years and no other use in the neighborhood. The neighborhood was developed for over 30 years and want it to be within the character there.

Mr. Johnson: How many would you have if you met the Code?

B. Blustein, Esq.: Two; they would be large lots and capable of putting large houses on them and would be out of character for the neighborhood.

Dan Yanosh: The lot depth is 200 feet and some instances 179 feet.

Mr. Cappelouzzo: The Public spoke and did not want large lots and was one of their concerns.

Ms Raffo: Similar to what is there.

Ms Sullivan: From 2 lot to 7 lots?

Dan Yanosh: 2 lots under one ownership. Combine the 2 lots if you want.

Ms Sullivan: Why 7 not something in between?

B. Blustein, Esq.: That is the character of the neighborhood. This is only vacant in the area and makes sense to make them conform.

Dan Yanosh: It is surrounded by lots existing that are same size. Apartment to the north. All surrounded – if it were in the outskirts it would be different.

B. Blustein, Esq.: Smack in middle.

Ms Petelinz: Do you recall what you paid for parcel when bought?

Mr. Cappelouzzo: Business and residence on it - \$ 500,000 and those were 1970 dollars.

Ms Sullivan: I would like to see you come in someplace in the middle and made attempt to make concession to new zoning law.

B. Blustein, Esq.: Not understand logic; here to see if application meets variance. We are asking to change zone classification to meet character of neighborhood and meet 5 of the zone.

Ms Sullivan: It has nothing with my happiness but the zoning laws. I don't see it as bargaining you abide by laws or not.

B. Blustein, Esq.: If so you would not need a zoning board. That is the building enforcement.

Mr. Johnson: When substantial variance we look at all aspects and we see existing lots owned since 1950 and if lot was 90% of required it is easier and why we exist where we sit we look at all aspects and look at all 5 and substantial request is huge and brought it up 3 months ago and 5 versus 7 the variance is less and the lots bigger; not so extreme. He said, 'if we drop down one lot can we get a vote?'

Mr. Cappelouzzo: To bring it back existing, if I was willing to do 6 lots would I be willing to and I said if you want to make deal now we grant it now. It is important to focus on the zoning law which he quoted elements of law to be pointed toward to examine variance – we meet or exceed everyone not by slipping by them but directly landing on each one. Not question getting around law and we making an appeal and have reasonable request and neighbors in agreement.

Mr. Johnson: Neighbors concerned about vacant property and rodents and snakes and mentioned lot size but concerned vacant and filled with garbage.

Can it be achieved by other means? Does not meet. Is it a detriment to the neighborhood? – no. Will the request have adverse affect – with sewer / water, no - but if it continues to happen less dense the infrastructure yes. It does not meet. Alleged self crated – not self created you bought it earlier and asking after zone change makes it self created.

B. Blustein, Esq.: I have to stop you there. The variance substantial not determinative factor. Case laws bears that out. Follow my logic here. I don't agree with you.

Mr. Johnson: Can it be achieved – yes, 2+ lots not 7 lots. If we have 3 not meets we have to say no but we are not saying that. It is not so clear you addressed each one you have not. Substantial was requested to have less lots and less substantial. Self-created you owned before zone change.

B. Blustein, Esq.: How could you know change 30 years ago.

J. Owen, Esq.: You are missing their point.

Mr. Wilson: He wants to do it this way with 7 if 2 house no problem with the current zoning. He is trying to keep the neighborhood looking like the spirit of what is there now. Because you want 7 houses you create problem for yourself.

B. Blustein: It is a perversion of what self-created means.

Dan Yanosh: We applied to the Town Board to change zoning and kept it to MI until with master plan it was changed from MI to R2. issue fight is consistent with then. Look at lot sizes and small in some places. Big house on small lot – we are building 1500 sq/ft like what is in neighborhood. We are going with what you want all the time.

B. Blustein, Esq.: Addition of 7 houses have impact on water/sewer and fought that and it went to court of appeals and always had a big hand in taking big concern how town is run and try to do best for the town and we work and live in the town. My son left police benefit zone because it was the wrong thing. He owned for 34 years and is entitled for decent return. No one has complained.

Dan Yanosh: Rats, mice and the rest they will have to go some place and have to get some controls during building.

Mr. Wilson: No one try to accuse the applicant – the variances are substantial not just a foot here or there. Concern is that they are so substantial and don't want to set presence.

B. Blustein, Esq.: These are case by case basis. Substantial no overriding concern which is well off set that they in character of the neighborhood. If variance take it outside the character of the neighborhood you might have substantiality.

Mr. Cappelouzzo: You could be criticized by someone and set precedence if it was adverse. The variance will create something in character of the neighborhood. No residence came to criticize.

Ms Najac: If you drop one lot width is main concern here – 109 which drop from 40 to 25% reduction from substantial to less substantial.

Dan Yanosh: 9 or 10 feet per lot. 1.5 acres down to a half acre.

B. Blustein, Esq.: If you give favorable consideration to 6 lot we would be amenable to that.

Ms Raffo: You know I can't say that. He can come in with what ever he wants to.

B. Blustein, Esq.: We will discuss it (and so they did).

B. Blustein, Esq.: If the Board would give an indication 6 lots would work we can come back with plan for 6 lots and adjourn the Public Hearing. It seems to be consensus 7 lots are a problem, come back with plan for 6 lots in tune with young lady's suggestion and ask for adjournment to do that.

Ms Raffo: I Move to Continue the Public Hearing to January 12, 2008; Seconded (Wilson); All in favor; Motion carried.

Ms Raffo: The Public Hearing is open; you will need to submit new maps.

MEETING CLOSE:

Ms Raffo: There being no further items to come before this Board; I Move to Close the Meeting at 9:02 pm; Seconded; All in favor; Motion carried.

TSB:jcd

TOWN OF WALLKILL  
ZONING BOARD OF APPEALS

DECISION SHEET

December 8, 2008

Jada Development: Decision: Variances denied.

Lewis Sign (Saxton Sign Corp.): Request for a variance of 249-11(1)(A):  
1. oversized sign encompassing 122.9 sq/ft;  
Property located at 468 Route 211 East  
(50-2-63)  
Designated TC

Greenwood Realty Co./  
Richard Cappelouzzo: Request for a variance of 249-20(D)(1)  
Lot area, width and frontage.  
Property located at 582 & 588 Silver Lake Scotchtown Rd  
(81-2-1.1 and 1.2)  
Designated R-2

Continue to January 12, 2009

Venda Properties: Request for a use variance  
(mine, sand and gravel)  
Property located on Goshen Turnpike  
(60-1-68.13)  
Designated OR

Continue to January 12, 2009

Laura Fiorillo and Evan Kurtz: Request for a variance of 249-20:  
1. area from 1.5 to 0.7 acres;  
2. lot width from 150ft to 106ft;  
3. oversized accessory building in front of primary residence; and,  
4. front yard set back from 35ft to 24ft;  
Property located at 24 Mud Mills Road  
(40-1-17.2)  
Designated R-2

Decision: Variances approved

Alexander and Laura Torres: Request for an oversized accessory building:  
1. from 28x28ft to 30ft x 48ft;  
Property located at 421-423 Midland Lake Road  
(24-1-57.2 )  
Designated R-2

Decision: Variance granted

Stewarts Shops Corp. Request for a variance of 247-27-(1)(E) (front yard):  
Property located at 333 Tower Road  
(98-1-39)  
Designated ENT-L

Applicant not present

Publication on December 10, 11 or 12

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 12<sup>th</sup> day of January, 2009, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Quick Chek Corporation c/o Howard D. Geneslaw, One Pennsylvania Plaza, 37<sup>th</sup> Floor, New York, New York 10119 for a variance of 249-8(A) (accessory building location and signs) for the property of Lusanne Partnership, 21 Georgetown Oval, New City, New York 10956. Property (78-1-94) located at 601 Dunning Road / East Main Street at I-84, Middletown, New York and Designated OR.

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

E. Raffo  
Zoning Board of Appeals

Publication on December 10, 11 or 12

TOWN OF WALLKILL  
ZONING BOARD OF APPEALS  
PUBLIC HEARING NOTICE

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Alzina Fayan, 701 Hewitt Lane, Apt #4, New Windsor, NY 1255 for a variance of 249 (road frontage) for the property of Alzina Fayan, 701 Hewitt Lane, Apt #4, New Windsor, NY 12553. Property (65-1-42) located on Van Dozar Road, Middletown, New York and Designated RA.

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

E. Raffo  
Zoning Board of Appeals

Publication on December 10, 11 or 12

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 12<sup>th</sup> day of January, 2009, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Wayne A. Kelvasa, P.O. Box 599, Howells, New York 10932 for a variance of 249-3 (accessory building) for the property of Wayne A. Kelvasa, P.O. Box 599, Howells, New York 10932. Property (32-1-31.31) located at 379 Howells Road, Middletown, New York and Designated R-A.

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

E. Raffo  
Zoning Board of Appeals

Publication on December 10, 11 or 12

TOWN OF WALLKILL  
ZONING BOARD OF APPEALS  
PUBLIC HEARING NOTICE

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James and Shirley Fischer, 650 Scotchtown Collabar Road, Middletown, New York 10941 for a variance (outdoor boiler) for the property of James and Shirley Fischer, 650 Scotchtown Collabar Road, Middletown, New York 10941. Property (20-1-25.1) located at 650 Scotchtown Collabar Road, Middletown, New York and Designated RA.

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

E. Raffo  
Zoning Board of Appeals

Publication on December 10, 11 or 12

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 12<sup>th</sup> day of January, 2009, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

William and Laurie Yungmann, 667 County Highway 78, Middletown, New York 10940 for a variance of 249-3 (accessory building) for the property of William and Laurie Yungmann, 667 County Highway 78, Middletown, New York 10940. Property (49-1-59) located at 667 County Highway 78, Middletown, New York and Designated R-1.

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

E. Raffo  
Zoning Board of Appeals