

TOWN OF WALLKILL
ZONING BOARD OF APPEALS
DECEMBER 10, 2007

PRESENT:

E. Raffo
N. Guenste
E. Johnson
S. Wilson

J. Owen, Esq.

ABSENT/EXCUSED:

K. Dunn
M. Petelinz
R. Sullivan

MEETING OPENING:

The Town of Wallkill Zoning Board of Appeals Meeting opened with the pledge to the flag followed by the presentation of the November 19, 2007 Meeting Minutes.

Ms Guenste: The following corrections were noted for the record:

Pg 11 'When will you visit it'
Correction: 'when did you visit it?'

Ms Raffo: I Move to accept the minutes as noted; Seconded (Wilson); All in favor, Motion carried.

Ms Raffo: This evening we have four board members present. In order for an application to be granted it must receive four votes for an approval. We can open your Public Hearing and continue in January if you would like when there are more board members present.

The following Public Hearings were conducted, continued to and applications reviewed for January 14, 2008.

CORRESPONDENCE:

Six Month Extensions:

ERIC JOHNSON:

Ms Raffo: We have received a request for a six month extension on a variance granted on June 13, 2005. During the recent staffing changes and issues in the Building Department a building permit has not yet been issued. When issued work should begin in 8 to 10 days.

Ms Raffo: I Move to table to January the following:

Request for a fifth - six (6) month extension for originally granted on June 13, 2005: 249-3 (accessory building) from 28x28ft to 32x56ft for a garage to store personal vehicles and equipment; Property located at 375 Howells Turnpike (13-1-37.1); Designated RA.

Seconded (Guenste); In favor: Guenste, Wilson, Raffo; Abstain: Johnson

Ms Raffo: We have received a resignation notice of Nina Guenste of her position on the Zoning Board of Appeals effective 12/31/07. She has been elected as a 4th Ward Councilman and can no longer sit on this Board.

Ms Guenste: No one realizes the complexities of the board and how the board works until you have sat on this board. Thanks to everyone and will miss being part of it.

Ms Raffo: Motion to accept the resignation; Seconded (Wilson): all in favor; Motion carried.

PUBLIC HEARINGS:

M&G Services (Starbucks Coffee) Request for a variance of 249-26.1(33) (sign)
Property (50-2-62) located on 51 Orange Plaza
Lane, Middletown, New York 10940
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 7:48 pm.

Ms Raffo: You will have tell us what you want. I have a request for what you wanted and have requested a couple of times a written document showing what is allowable and what you are asking for. I have not received that.

Carl Patrow, Esq.: I have a copy of a document from 10/30 (reviewed by the Board).

Carl Patrow, Esq: This is a series of three parts regarding Starbucks at 51 Orange Plaza Lane and is in the TC (Town Center) zone. The south elevation currently has one circle 'Starbucks' logo design (submitted photo). Our proposal is to remove that sign and install a set of channel letters that is 50.5 sq/ft and add sign cabinet 'drive thru' that is 9 sq/ft with cumulative sq/ft of 59.5 sq/ft where allowable is 88.5 sq/ft. on the north elevation, which is the rear of the store (presented photo), we are respectfully submitting 72" diameter circle similar to what is there now. I have additional copies if needed. 36sq/ft on the circle and on the sign cabinet 7.3 sq/ft 'drive thru' where again 88.5 sq/ft is allowable. The last part is the ground

Mr. Wilson: The allowable is 88 sq/ft and you have less, why are you here?

Carl Patrow, Esq: What triggered it was the free-standing sign and then the Building Department put it all on one application.

Ms Guenste: This is similar to the Verizon case – sign on front and not on the rear.

J. Owen, Esq.: This is for one...

Ms Guenste: ...one side has no sign at all. The one in the front was on Dunning Road. We need variance on the north because it is the rear. You can't have a sign in the rear.

Carl Patrow, Esq.: The ground sign is mainly for safety issue – refer to the site plan, where it is -location one side says 'thank you' the other side 'says 'do not enter' to avoid confusion for vehicle. It is rationally sized and appropriate for the site.

Ms Raffo: The problem was the logo on there.

Ms Raffo: You are looking for variance for the ground sign.

Ms Raffo: Anything else?

Carl Patrow, Esq: You are not in receipt of the 10/30 letter or the one where we receded the east elevation request in light of importance of directional and north sign.

Ms Guenste: East side faces the parking lot?

Carl Patrow, Esq.: Yes, faces the parking lot. No signage.

Ms Guenste: You are in the parking lot and had not idea what was in there – no logo.

Carl Patrow, Esq.: If the Board would have no issue with another sign – we did not know..

Ms Guenste: Well great a sign on the building.

J Owen, Esq.: They can come back for future signs.

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

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

Ms Raffo: I Move to grant the following variances to permit: 1) sign on north side of the building 6 ft circle; 2) one drive-thru sign cabinet with total 43.25 sq/ft; and, 3) ground directional signs: 1-clearance for drive thru, 1- exit / 1 do not enter with one logo; Seconded.

DISCUSSION (None)

VOTE:

In favor (aye): 4 Johnson, Guenste, Wilson, Raffo
Opposed (nay): 0

DECISION:

Ms Raffo: The variances are granted,.

If you would like additional signs, please return.

Martin Bauer:

Request for a variance of 249 (oversized accessory building):

1) from 28x28 to 12x29ft.

Property (24-1-9)

Located at 1295 Goshen Turnpike, Middletown,
New York 10941

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 7:59 pm.

Ms Raffo: Why are you here?

Mr. Bauer: We bought it the way it is today and used the shed for personal storage for things we don't want to have in the house.

Ms Raffo: The size is 28x28ft and you want it to be 12x29ft.

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

Ms Raffo: Any questions from the Board?

Ms Guenste: This is pre-existing?

Ms Raffo: Yes.

Ms Raffo: I Move to close the Public Hearing at 8:02 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variance for an accessory building from 28x28ft to 12x29ft; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye): 4 Johnson, Guenste, Wilson Raffo

Opposed (nay): 0

DECISION:

Ms Raffo: The variance is granted. See the Building Department. The variance is good for six months and if you don't start work in that time, come back and request an extension before it expires.

Darren Schwartz

Request for a variance of 249-11 (sign variance)
1) Front yard from 15ft to 11ft
Property (50-2-43.1)
Located at 161 Dunning Road, Middletown,
New York 10940
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 8:03 pm.

Ms Raffo: Tell us why you are here.

Jay Zeiger, Esq.: The sign has been there for many years and in 2002 received a permit to change the face of the sign and be in compliance. He was originally a tenant and is now the owner, they changed both pieces: changed entrance way curb with an island and entrance thru their property enter through (map) and as a consequence the sign now is in the entrance/driveway. We need to move it and to move it we have to move it 4 feet this way (drawing) and 15 feet from the property line and moving it outside into the island, it is 11 feet . the variance is to move it 4 feet to their property.

Ms Raffo: Any questions from the Public?

Janet Barberio: I had a couple of questions and I like Daren and Jay. Mr. Cunetz owns Frosty Rock and never applied for a permit for the sign. He was given multiple permits and I have had to take my sign down and always applied for permits. The previous owner did not even asked for several years. I feel for Daren and they were sold the property with sign without a permit. Now the sign is very large and to move it over and so many people fly in and out it would block it. It is,.... I just don't understand if you did not have code enforcement officer, he was given permission for sign there. He was asked to take it down.

Ms Raffo: Frosty Rock has not been here for a variance.

Janet Barberio: The sign before was there before they owned it and Gene Jacques told them they needed a permit.

Ms Raffo: When you said they got permits before...

Janet Barberio: ...to build Frosty Rock.

Jay Zeiger, Esq.: He got approval from the town to change face of the change in 2002 and it was permitted and valid and did not need a variance. Need it now to move it.

Janet Barberio: To change the sign.

Mr. Wilson: We don't know what happened with the sign and the Code before.

Janet Barberio: They approved a sign not to code.

Jay Zeiger, Esq.: In 2002 the sign was a permitted sign.

Mr. Wilson: You may be correct before,.

Janet Barberio: The sign is fine like it is now and want to move it?

Mr. Wilson: ... towards Frosty Rock.

Ms Raffo: Get the pole out of the driveway is why it is being moved. Like it to go into the grassy plot between the building and Frosty Rock.

Janet Barberio: I want to know it is done.

Mr. Wilson: It's the location of where they want to move it. The sign is currently in compliance as the Building Department was there.

Ms Raffo: Parallel to the road or closer to Frosty Rock.

Jay Zeiger, Esq: (showed her where it is going to be).

Ms Guenste: On the permit it says 6.5 feet from the ground. Is it lower or just because the curb is?

Applicant: It is what ever it needs to be.

Ms Guenste: To be sure it does not block the view of people coming in and out. At least 6.5 feet from bottom of the sign to the ground so people can see.

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

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

Ms Raffo: I Move to close the Public Hearing at 8:11 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variance: 249-11 to permit a free-standing sign within 11 feet of the property line (from 15ft to 11ft) ; Seconded.

DISCUSSION: (None)

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VOTE:

In favor (aye): 4 Johnson, Guenste, Wilson, Raffo
Opposed (nay): 0

DECISION:

Ms Raffo: The variance is granted.

Jason R. Miller

Request for a variance of 249-19 (front yard setback)

1) from 60ft to 42.7ft

Property (20-1-3)

Located at 734 Scotchtown Collabar Road

Middletown, New York 10941

Designated RA

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

Ms Raffo: I Move to open the Public Hearing at 8:14 pm.

Ms Raffo: What are you looking for.

Mr. Miller: I would like to put attached 2-car garage on left side of the garage. The front yard is from 60 to 42ft.

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

Ms Raffo: Any questions from the Board?

Mr. Wilson: Will the construction be similar to the house?

Mr. Miller: Yes.

Mr. Miller: I have a question – the elevation wise – do I need a variance for the height – I want to see it from the road.

Mr. Johnson: The Building Department addresses this.

Ms Raffo: It meets Code now.

Mr. Miller: The footprint will not change.

Ms Raffo: You are not going to make it 2 stories?

Mr. Miller: No.

Ms Raffo: You are fine then.

Ms Raffo: I Move to close the Public Hearing at 8:16 pm.

Ms Raffo: I Move to grant the following front yard setback from 60 to 42.7 ft; Seconded.

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DISCUSSION: (None)

VOTE:

In favor (aye): 4 Wilson, Guenste, Johnson, Raffo

Opposed (nay): 0

DECISION:

Ms Raffo: The variance is granted. You need to begin in 6 months and if you have any holdups, request an extension before it expires. If we do not hear from you or you will need to begin again.

Serge Lentz

Request for a variance of 249:
Oversized accessory building (shed)
1) from 28x28ft to 14x32ft
Property (7-2-39)
Located at 40 Susan Lane, Circleville, New York
10919
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 8:19pm.

Ms Raffo: What would you like.

Mr. Lentz: a 14x32 ready-made shed installed.

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

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

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

Ms Raffo: I Move to grant the following accessory building variance from 28x28 ft to 14x32ft; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye): 4 Wilson, Johnson, Guenste, Raffo

Opposed (nay): 0

DECISION:

Ms Raffo: The variance is granted.

The variance is good 6 months, if not begun request extension before it expires you will need to start the process again.

Laraine Anderson

Request for a variance of 249-19(d):
Front yard set back 60 to 28ft;
Property (32-1-65)
Located at 311 Howells Road, Middletown, New
York 10940
Designated R-A.

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

Ms Raffo: I Move to Open the Public Hearing at 8:22 pm.

Ms Raffo: Please tell us what you want.

Ms Anderson: To re-do my front stairs as I need a few more streets and after 28 ft to the road.

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

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

Ms Raffo: I Move to close the Public Hearing at 8:24 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following front yard variance from 60ft to 28ft; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye): 4 Johnson, Guenste, Wilson, Raffo
Opposed (nay): 0

DECISION:

Ms Raffo: The variance is granted. It is good for 6 months and if you don't start by then, come in before for an extension or it will expire.

Elisia Schermerhorn

Request for a variance of 249-22(b) and 249-20(d)
side yards for a carport in front of the house.

1) side yard from 20ft to 18ft

2) accessory building in front of the primary
building

Property (76-2-6)

Located at 170 Ridgewood Avenue Middletown,
New York 10940

Designated R-1.

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

Ms Raffo: I Move to open the Public Hearing at 8:24pm.

Ms Raffo: Please tell us what you are looking for.

Elisia Schermerhorn: A carport in front of my house because I am disabled.

Ms Raffo: This is 18x21 feet.

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

Ms Raffo: Any questions or comments from the Board?

Ms Guenste: This is giving me a rough time. Because of the point that it will be out in front of the house. And this is one of the things the Town tries is to avoid having it in front. We have to look at the criteria for allowing certain variances. It is very hard because we can't take into consideration emotions on this type of thing. Looking at the neighborhood, if we allow one car port we will have people up and down the street saying 'I am old and I can't shovel need a carport'. And have heard people in the Town and have heard they can't clear my drive, and can't do it. It would set a precedence. It will alter the character of the neighborhood because it will set a precedence. If you can't clear the snow off the car, we should give a variance. This is a determination type that is hard and we have to look at facts and not feelings. I have to look at it and open the door to everyone in the town who has had an injury, my feelings are there and open it up to everyone in the town for people to come in.

Elisia Schermerhorn: The lawyer there said it was permanent. The anchors will come out of the ground. And I'm going to put a modular home in there. The home is going to be demolished and a modular home companies and wanted to save time this year. And it will be torn up to put a modular home in.

Mr. Wilson: My problem is the accessory in front of the house.

Elisia Schermerhorn: I was going to go over that.

Ms Raffo: We do not have problem with the design but the structure being in front. That is a problem and many people who have the same situation. Taking car off the top of the car you have 15 between this and the house and the road.

Elisia Schermerhorn: That is what a 4 wheel drive is for. You can read the medical.

Mr. Wilson: We understand you need help with the snow removal and are sympathetic. We have to look how it will affect the whole neighborhood. Not to minimize your problem or affliction there are others with same situation and will line up to get variances. We have to take it into consideration.

Elisa Schermerhorn: It is not permanent, comes out of the ground, pull the anchors up. Last time you wondered why I was here and now all the sudden.

J Owen, Esq. It is permanent.

Mr. Wilson: You can speak with the Building Department. I don't think you need variance for temporary but if considered permanent which has been considered, a variance is needed.

Ms Raffo: I Move to close the Public Hearing at 8:35pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following variances: 1) a side yard from 20ft to 18ft; 2) a variance for structure in front of the house; Seconded.

DISCUSSION:

Mr. Johnson: I vote no for the reasons already stated.

Ms Guenste: I am going to vote no for the reasons stated.

Mr. Wilson: Unfortunately, I vote no as it created an undesirable situation in the neighborhood.

VOTE:

In favor (aye): 0

Opposed (nay): 4 Johnson, Guenste, Wilson, Raffo

DECISION:

Ms Raffo: The variances are denied.

Elisia Schermerhorn: Is this a scheme and pay \$200 for the application and 85 for building inspector to tell me now, and buy labels, the only reason, is the property is in a wet spot and the only reason not put it any place else. I don't care you have already made your votes.

Antonino S. Mondello
(Advanced Chemical)

Request for an interpretation of 249-22
(use variance):
Use as a janitorial supply business.
Property (76-1-2)
Located at 136 Excelsior Avenue, Middletown,
New York and designated R-1.

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

Ms Raffo: I Move to open the Public Hearing at 8:38 pm.

A. Mondello: I am here for an interpretation of 249-20 permitted use of the property of Gary Scotto. We were sent here by the Planning Board because of the use of the building. It is a commercial building and currently office/storage and plan to do the same thing. We are not changing the use and Mr. Scotto does not think we are changing the use. Tell us what we are doing.

Mr. Wilson: This is for interpretation.

Ms Raffo: This is R-1.

Ms Raffo: Any questions from the Board?

Ms Guenste: Will you have chemical storage?

A. Mondello: No bulk. Mops, brooms, handles. Here is a list of the estimated items.

G. Scotto: I am an electrical contractor.

A. Mondello: There are 2 other people in the neighborhood doing the same thing. And the guy – rental guy, has chemicals too.

Ms Raffo: Any other questions? (No)

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

Ms Raffo: I Move to close the Public Hearing at 8:47 pm; Seconded; All in favor; Motion carried..

Ms Raffo: This is for an interpretation of the use of the property.

J Owen, Esq.: They were sent here why?

Ms Guenste: What was /is in there now?

Mr. Scotto: I run an electrical business there. We did not request a use variance. He went to see if he could operate there and they sent him here.

J Owen, Esq.: We can't give interpretation for the same use – if we don't know what it is.

Ms Raffo: They need a use variance.

Ms Raffo; I Move to grant a use variance 249-22 from permitted use in R1 for establishment of a janitorial supply business; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye): 4 Johnson, Guenste, Wilson Raffo

Opposed (nay): 0

DECISION:

Ms Raffo: The variance is granted. It is zoned for this particular use only.

Harry and Frances E. Santos

Request for a variance of 249-22-D(1)

Area variances:

- 1) side yard from 20ft to 15ft
- 2) 2 side yards from 40ft to 30ft
- 3) frontage from 100 to 80ft
- 4) area from 18,750 to 9,600 sq/ft
- 5) depth from 125ft to 120ft

For replacement of existing dwelling with a larger one to conform to the neighborhood.

Property (77-5-4)

Located at 11 Avenue D, Middletown,
New York 10940

Designated R-1

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

Ms Raffo: I Move to open the Public Hearing at 8:47 pm.

Dan Yanosh: They want to replace an existing house on the lot 48x30ft bi-level raised-ranch. 16 feet side yard and 50 total. Looked at it, Lot #17 Avenue D, and they arrange from 40 to 50 feet wide. Behind on "E" is 55 foot wide and 44ft wide. There are others approximately the same size.

Mr. Wilson: At the review you discussed placing it within the foot print.

Dan Yanosh: There is another that is an "L" shaped size?

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

Ms Raffo: Any questions or comment from the Board?

Ms Guenste: The other ones in the area – a lot of bi-levels, are they on the same or little bigger lots?

Dan Yanosh: Across the street is 80 feet wide, 48 and 44 along there as well, and 46 we are not too bad.

Ms Guenste: What about 44 feet?

Dan Yanosh: They are 46 to 48 feet.

Ms Guenste: There are a lot of bi-levels there. It is fitting with the neighborhood and the rest of the houses, would like subject to removal of 3 sheds and storage trailers.

Dan Yanosh: We already have that.

Ms Raffo: I Move to close the Public Hearing at 8:50pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant: area variance: 18,750 to 9,600 sq/ft; width 100 to 80ft; depth 125 to 120ft; 1 side yard from 20 to 15ft , 2 side yards 40ft to 30ft; frontage 100 to 80ft; and subject to the removal of any existing structures on the property; Seconded;

DISCUSSION:

Mr. Johnson: It is a little bit but fits in the neighborhood.

VOTE:

In favor (aye): 4 Johnson, Guenste, Wilson, Raffo

DECISION:

Ms Raffo: The variances are granted, please see the building department.

Quick Chek Corporation

c/o Howard D. Geneslaw, Esq.,

Request for a variance of 249-8(a) and
249-11(H)(6) accessory and sign:

- 1) location in front of primary building
- 2) three type fonts for pricing information
- 3) number of type faces up to eight
- 4) number of wall signs – 2 on each side of canopy
- 5) sign area

Property (78-1-94) located at 601 Dunning Road,
Middletown, New York 10940
Designated HC

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

Ms Raffo: I Move to open the Public Hearing at 8:55 pm.

Ms Raffo: Please present your application.

Jennifer M. Porter, Esq.: We are here on behalf of Quick Chek for 5 variances: 1) location of canopy to allow it be 18 feet to front line than the building, the Quick Chek store; 2) sign – amount of free standing sign for 3 types of fuel plus diesel and is for pricing information; 3) sign – number of type faces and were here with a site on 211, different sizes and different style of writing – based on size we seeking maximum interpretation of 8; 4) number of wall sign – one on principal and seeking under your definition on 2 sides of canopy in addition to sign on food store; 5) sign area – not for building but permission to build a larger sign with 2 signs of the canopy. It is calculated on linear foot of frontage or 30 and to have 2 – 24ft or 48 sq/ft.

We would like to do the full presentation in January and request an adjournment.

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

Ms Raffo: Any questions from the Board?

Ms Raffo: It is our understanding you are awaiting County Planning Board and would like to continue to January.

Ms Raffo: I Move to continue the Public Hearing to January 14, 2008; Seconded; All in favor; Motion carried.

Leslie Rogers Newman

Request for a variance of 249-20(12)(1):
1) front yard from 150ft to 100ft
on existing non-conforming lot
Property (14-1-11) located on M&M Road,
Wallkill, New York 10940
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 9:01pm.

Ms Raffo: Please tell us what you are looking for.

Tom Pahuki : We have an existing lot the applicant has owned since 1982 and the current 125 foot road frontage and we are asking for a variance to allow 100 foot for road frontage. There is a number of properties in adjacent to it with 100 or 103 feet or 112. we would maintaining same side and front yard set backs in any building done and as a condition add any applicant would maintain the side yards and no further zoning.

Ms Raffo: We can't declare building lots without seeing the house first. Definitely nothing outside the foot print as allowed by the set backs.

Ms Guenste: We don't have a soil type to determine the lot size has to be.

Tom Pahuki : Our thought is to sell it and she has owned it for 25 years. It is 2.5 acres.

Ms Guenste: Based on some soils it would be another variance. I don't know that the soils are there.

Tom Pahuki : Any condition to build would be that it would have to perk or if you don't perk you can't build.

Ms Guenste: The minimum lot is 3.25 acres and totally different variance as opposed to the width.

Mr. Johnson: The width now is 125 feet.

Ms Guenste: Even then it had to be 3.25 acres.

Tom Pahuki : Would you like us to come back with the soils? And hold open the Public Hearing open?

Ms Raffo: I Move to continue the Public Hearing to January 14, 2007; Seconded; All in favor; Motion carried.

Mr. Wilson: Give us an idea where a building will be on the lot as well.

Tom Pahuki : We submitted this to the Town (shared drawing).

Ms Raffo: That does not show us a plan. I am looking at proposed home not to exceed 50. 40x70 is not 50 and further cut back side yards.

Tom Pahuki : Let us do that.

Ms Raffo: We will continue the public Hearing to January 14, 2008

Concettina M. Cerasoli &

John Matlaldo / Genevive Cerasoli

Request for a variance of 249-20(b)(6):

Use of second house for rental purposes (323 Shaw Road)

Property (7-2-14.1 & 14.2)

Located at 317 and 323 Shaw Road, Middletown, New York

Designated R-2

grant use variance to allow a second house for rental purposes at 323 Shaw Road as shown on the map of May 10, 2007

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

Ms Raffo: I Move to open the Public Hearing at 9:08 pm.

Ms Raffo: Tell us what you are doing?

Dan Yanosh: They live in this lot (blue) and they live in #2 and is bigger piece and existing one family house. The proposal is to transfer majority to Genevive and the house and leave the other rental over to them as well. It is pre-existing and rental. The land is not subdivided from Shaw Road and can't do much with the front. Nothing in the back.

Ms Raffo: No access from the back?

Dan Yanosh: No. The acreage stays about a the same from one to the other. There is an existing house.

Ms Guenste: 2 houses on one lot now and 2 on one lot then.

Mr. Johnson: It is a lot line change.

Ms Raffo: Variance to transfer rental to the other lot.

Ms Guesnte: Can't do that until the get the subdivision, right?

Mr. Wilson: Adding accessory building from one lot to another. What is the size of the barn? Approximate?

Dan Yanosh: 18 x 30ft.

Mr. Wilson: Use? That is 2 accessory buildings?

Ms Raffo: It is a house.

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Ms Cerasoli: Storage. It is empty.

Ms Raffo: Use variance of 2nd house for rental purposes on the same lot.

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

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

Ms Raffo: I Move to close the Public Hearing at 9:14 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant use variance to allow a second house for rental purposes at 323 Shaw Road as shown on the map of May 10, 2007 and revised August 20, 2007; Seconded.

DISCUSSION: (None)

VOTE:

In favor: (4) Wilson, Johnson, Guenste, Raffo

Opposed (nay): 0

DECISION:

Ms Raffo: The motion is granted, please see the building department.

Goshen Foundry, LTD.

Request for an interpretation of (249-26)
permitted use:
Warehouse and repair shop for antique cars
Property (61-1-20-1)
Located on Goshen Turnpike
(adjacent to Wallkill River), Wallkill,
New York 10941
Designated OR.

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

Ms Raffo: I Move to open the Public Hearing at 9:16 pm.

Ms Raffo: This is for an interpretation of a use variance.

Gary Fine, Engineer: Our goal is a warehouse for antique cars. We had originally been under MI and it was changed. Mr. LeBaren had by-pass surgery and was unable to appear at the time the hearings were held. It changed from MI to OR and the warehouse under MI was not carried forward into the OR so variance looking for is change use to use as a warehouse.

Mr. Wilson: We established at review you are going to repair cars there?

Gary Fine, Engineer: They are antique cars and owns one of a few foundries in the area and he can make special parts for his cars and if someone needs a part he will accommodate them.

Mr. Wilson: He will give it to them?

Gary Fine, Engineer: Not our main business – it is modest.

Mr. Wilson: He will be selling parts. The part they need or want they can purchase it from him.

Gary Fine, Engineer: He can make it in the foundry. Great difficulty finding the stuff.

Ms Raffo: From what you told us at the last meeting, he is making parts and willing to sell the parts in the cars – that makes it a business.

Gary Fine, Engineer: We did not clarify it at that meeting – it is not to fix them, not a volume type of place, he owns a foundry and can make them. He makes the parts they can't find when they need them.

Ms Raffo: Any comments from the Public?

Clarence Frank, 715 Stony Ford Road: He makes the parts in the foundry - why make it and stock it. He is not making 40 parts to store – why not sell at the foundry in Goshen instead of

transferring them where he is building the place. What type of facilities will he have in there and where will he get it. Why – he does not have any cars there when he has to transfer from there to Goshen.

Mr. LeBaren: The foundry is fully equipped with casing materials and work is done at the facility. I have my cars in another shop and want to get them (cars) where they can be stored and maintained properly. The parts on my cars can be made for other cars and installed. A facility to maintain other cars other than mine. Why make it one place and take it someplace else to install.

Mr. Wilson: The warehouse - you want to have store your cars and a facility to repair and maintain other cars for a fee?

Mr. LeBaren: These are my cars. I have to pay taxes and pay fees. We have to have source of income too. It is not a museum.

Clarence Frank: It would be a repair shop?

Mr. LeBaren: People have cars that need parts.

Mr. Frank You said no repairs and now you do.

Mr. Wilson: Thank you for your explanation.

Mr. Frank: First storage and now adding a repair shop. It is not right.

Ms Raffo: Anyone else from the Public?

Nancy Hines, 624 Stony Ford Road: Wondering what part the thing we got says ‘Wallkill River’, is that where the building will go?

Mr. Wilson: Do you have a drawing (?)

Gary Fine, Engineering: (showed where it will be).

Nancy Hines: That is wetlands. I see where you are. You are not on the corner of Stony Ford, closer to there is no water, everyone on Stony Ford is wells and septic systems.

Mr. Wilson: Do you have a problem with the location?

Nancy Hines: It is down closer to the river. Do they have water? Where he is putting it in is not the wetlands.

Mr. LeBaren: There is water, the treatment plant is in the back.

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

Ms Raffo: Any questions from the Board?

Ms Guenste: I am looking at this and you know it is not just a place to bring cars and store it, it is being built to run a business. Mr. LeBaren you are not going to be alive for ever, I am not going to be alive forever. It is a warehouse right next to the Town's water supply and had troubles already. I have a problem first just a couple of cars and then fixing some, and it is a big building. I knew a gentleman who built a garage and did not have an office or that much warehouse space. I don't think a warehouse/ industrial building does not belong that close to our water supply.

What is the soil type here?

Gary Fine, Engineer: I ...

Ms Guenste: ...we can't move forward without knowing that.

Gary Fine, Engineer: In the course of our going through the Planning Board and working with Mr. McGoey, the Town Engineer is Eustace and Horowitz, and the well itself it not near us. The building is a pump station and not closer than 1000 feet closer. We don't expect any dramatic waste coming from the building. 80% warehouse with ancillary uses with this. It's unique - to make these antique car parts.

Mr. Johnson: Maybe this operation will be fine, but 20 years down the road with this type of building and set up what might be will be a problem. We have to look down the road.

Mr. LeBaren: Don't they have to come back?

Ms Guenste: You are putting it into the ground. A 1500 gallon tank and awfully big for someone taking care of cars.

Mr. LeBaren: By the Planning Board's requirement.

Ms Raffo: For this size building.

Ms Guenste: We will not be there in 50 years from now. Not what use today but for allowing use for this piece of property. We have to take away personalities - what will we allow when we are not around.

Mr. LeBaren: What can you do to maintain revenue? I have 100 acres there. Do you want office buildings on whole 100 acres.

Ms Raffo: It is what the Town Code allows.

Mr. LeBaren: I am giving away office space in Goshen.

Gary Fine, Engineer: They changed the zoning and have allowable uses and we come close to what we want to do, and as mentioned last time, they changed zoning but not the definition. It says 'repair' and says you have to be a dealer. If we have to become a dealer we will.

Mr. Wilson: What section of the Code are you getting it from?

Gary Fine, Engineer: The definition is in the front part of the Code.

Ms Raffo: (reviewed the codes)

Gary Fine, Engineer: The section is Pg 16 249-36.2 office. The permitted

Ms Raffo: ...special use is the Planning Board.

Gary Fine, Engineer: The repair shop – says it excludes automobile repair.

Mr. Wilson: That is not for us to determine.

Gary Fine, Engineer: Service shop – you have to be a dealer.

Ms Raffo: I can't change the Code.

Gary Fine, Engineer: We are here asking for relief.

Ms Raffo: It is not a warehouse – if you are going to service vehicles, charge people to put parts in to cars, it is not a hobby – it is a business.

Ms Guenste: Warehouse is not allowed there either.

Gary Fine, Engineer: Asking for that. That is why we are here. We can get this other ways through the back door – get license to be a dealer. I am looking at the Code and the code /definition says you can be a service shop except cars – you can if you are a dealer. We'd rather come through the front door and get it correctly. I have to ask him what he wants to do.

Mr. Wilson: We can vote on this tonight.

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

Ms Raffo: We are voting on a use variance.

Ms Raffo: I Move to close the public Hearing at 9:40pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant a use variance to Chester LeBaren for purpose of putting a warehouse and repair facility in an OR zone; Seconded.

DISCUSSION:

Mr. Wilson: I will vote not to granting the use variance. I believe it affects letter/spirit law for what is was applied for. It is too close to the river, our water supply. Vote no based on that.

Mr. Johnson: No also, for the same reasons previously stat ed and those just mentioned. Sorry.

Ms Guenste: I vote no too, because for us to allow use there has to be unnecessary hardship that will not alter the character, be not self created. I see no unnecessary hardship, so no.

Ms Raffo: No for reasons state.

VOTE:

In favor (aye): 0

Opposed (nay): 4 Wilson, Johnson, Guenste, Raffo

DECISION:

Ms Raffo: The use variance request is denied.

**Deborah Orrio and Alan Orrio
Eileen Orrio and Joseph Orrio**

Request for a variance of 249-19-D(i):
yard set backs and area:

Lot 249-1-23:

- 1) side yard from 40ft to 19.5ft
- 2) 2 side yards from 100ft to 48.0 ft
- 3) Lot width from 200ft to 166.2 ft
- 4) Lot frontage from 200ft to 154.63ft
- 5) area from 2 acres to 0.74

Lot 249-1-24:

- 1) side yard from 40ft to 31.5ft
- 2) 2 side yards from 100ft to 64.6 ft
- 3) Lot width from 200ft to 108.2 ft
- 4) Lot frontage from 200ft to 54.60 ft
- 5) area from 2 acres to 0.86

Property (49-1-23 and 49-1-24)

Located at 36 and 42 Ingrassia Road,
Middletown, New York 10940
Designated RA.

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

Ms Raffo: I Move to open the Public Hearing at 9:43 pm.

Dan Yanosh: This is Orrio's Restaurant. You see the lines through the garage (map). I checked with the building department and all have permits. Adjusting the line to go next to the stream and then cut in. They are pre existing non conforming and changed to HC and don't meet codes probably for the front and back. They are looking to see the restaurant.

Ms Guenste: Why not follow stream all the way down the back of the property?

Dan Yanosh: I don't know.

Ms Guenste: It's a nice boundary.

Dan Yanosh: Look at that. It is no win situation as to what we are proposing and the way it is.

Ms Raffo: Any questions from the Public?

Pat Siddody (neihbor): Adjacent and got a notice there would be a hearing and why I am here. I know it's for sale. Whole thing going to be sold? Only reason why I am here.

Dan Yanosh: We are changing the line from here to here.

Pat Siddody: Only thing when property gets sold some of the parking area they have been using is on my property. From the telegraph pole, little biddy garage – the line is 2 or 3 feet from the garage. Never-the-less, they have been allowed it because we grew up together and Alan’s father and never made any concern and don’t know who it is going to be sold to. That is my concern.

Mr. Wilson: You can address that with the new owners.

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

Ms Raffo: I Move to close the Public Hearing at 9:50 pm; Seconded; All in favor; Motion carried.

Ms Raffo: You need variances on both of these lots.

Dan Yanosh: Tax lot # 1 and #3 and it is for variances to allow a lot line change on 249-1-23 and 49-1-24 on Ingrassia Road.

Ms Raffo: I Move to grant the following variances:

Lot 249-1-23:

- 1) side yard from 40ft to 19.5ft
- 2) 2 side yards from 100ft to 48.0 ft
- 3) Lot width from 200ft to 166.2 ft
- 4) Lot frontage from 200ft to 154.63ft
- 5) area from 2 acres to 0.74

Lot 249-1-24:

- 1) side yard from 40ft to 31.5ft
- 2) 2 side yards from 100ft to 64.6 ft
- 3) Lot width from 200ft to 108.2 ft
- 4) Lot frontage from 200ft to 54.60 ft
- 5) area from 2 acres to 0.86

Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye): 4 Johnson, Guenste, Wilson, Raffo
Opposed (nay): 0

DECISION:

TOWN OF WALLKILL ZONING BOARD OF APPEAL
DECEMBER 10, 2007

Ms Raffo: Variances granted.

K.J. Mountain Corporation

Request for a variance of 249-22-D(1):
1) side yard setback from 20 to 19.2ft
Property (39-10-6.1)
Located at **310** Highland Avenue Extension,
Middletown, New York 10940
Designated R-1

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

Ms Raffo: I Move to open the Public Hearing at 9:53 pm.

Dan Yanosh: It was my fault and then it was not picked up by the building department.

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

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

Ms Raffo: I Move to close the Public Hearing at 9:55 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following side yard variance from 20 to 19.2 ft; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye): 4 Johnson, Guenste, Wilson, Raffo

Opposed (nay): 0

DECISION:

Ms Raffo: The variance is granted.

Ms Raffo: Construction has begun?

Dan Yanosh: We are all done.

K.J. Mountain Corporation

Request for a variance of 249-22-D(1):
1) side yard from 20 to 18.3 ft
Property (39-10-6.2)
Located at **312** Highland Avenue Extension,
Middletown, New York 10940
Designated R-1.

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

Ms Raffo: I Move to open the Public Hearing at 9:57 pm.

Ms Raffo: Please tell us what this is about.

Dan Yanosh: The same situation. We thought we had 15 and had 20 and it was staked out at 18 feet.

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

Ms Raffo: Any comments or questions from the Board?

Ms Guenste: Why don't you get a zoning book?

Dan Yanosh: I have one.

Ms Raffo: I Move to close 9:59 pm; Seconded; All in favor; Motion carried.

Ms Raffo: I Move to grant the following side yard variance from 20ft to 18.3ft; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye): 4 Johnson, Guenste, Wilson, Raffo

Opposed (nay): 0

DECISION:

Ms Raffo: The variance is granted, please see the building department.

HEARING REVIEWS: January 14, 2008

Harold D. and Sue Rosen:

Mr. Rosen: We have lived here for 21 years and would like to do something with it. Push back the kitchen in the back, build a couple of new bedrooms and add a covered porch in the front.

Ms Raffo: We need the variances on the map. We have a blank application that tells me nothing. We can set a public hearing but need information. I will get in touch with you. This looks like 249 - area, width and side yards.

Ms Raffo: I Move to hold a Public Hearing for Harold D and Sue Rosen on January 14, 2008 at 7:30pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Ms Raffo 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.

Mrs. Rosen: We bought the house and did not build the house or build larger, just going out in the back which is not out of compliance, have trouble understanding if we bought it that way.

Ms Guenste: Its for the new stuff you are adding on.

Mr. Wilson: You need to apply to new zoning because of the addition.

Ms Raffo: The rest of the house is out of code and now bring it all up to code.

Ms Guenste: You are adding the front porch and it has to be 35 feet.

Mrs. Rosen: It will not change the foot print of what is there. How was I allowed to buy the house.

Ms Guenste: The building is there and understand this. We have them all the time.

DePew (application)

Ms Raffo: It was heard he was in the Town Hall and it was too late to make this evening's agenda.

Applicant representative: It would be nice if the engineer would call you.

Ms Raffo: I only know about it because of overhearing a conversation.

CLOSE THE MEETING:

Ms Raffo: There being no further items to be presented before the Board, I Move to close the Meeting at 10:06 pm; Seconded; All in favor; Motion carried.

REQUEST: Publication date: December 12, 13 or 14th

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 14th day of January, 2008, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Howard D. and Sue Rosen, 143 Blumel Road, Middletown, New York 10941 for a variance of 249 (area) for the property of Howard D. Rosen, 143 Blumel Road, Middletown, New York 10941. Property (92-2-14) located at 143 Blumel Road, Middletown, New York 10941 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: December 12, 13 or 14th

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 14th day of January, 2008, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

KP Industries, Inc / KP Signs, 2481 Charles Court, Bellmore, New York 11710 for a variance of 249-11 (sign variance) for the property of Middletown I Resources, L.P., c/o National Realty & Development Corp., Three Manhattanville Road, Purchase, New York 10577 . Property (50-2-62) located at 470 Route 211 East, Middletown, New York 10940 and designated HC.

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

E. Raffo
Zoning Board of Appeals

REQUEST: Publication date: December 12, 13 or 14th

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 14th day of January, 2008, at 7:30 pm or as soon thereafter as the matter can be heard on the application of:

Ken Cesca, 105 York Road South, Middletown, New York 10940 for a variance of 249-19-D(1) (lot width and frontage) for the property of Ken Cesca, 105 York Road, Middletown, New York 10940. Property (3-2-18.2 & 18.24) located at 34 Lo Presti Road, Middletown, New York 10940 and designated RA.

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
DECISION SHEET
DECEMBER 10, 2007

M&G Services (Starbucks Coffee) Request for a variance of 249-26.1(33) (signage):
1) sign on north side of the building 6 ft circle;
2) one drive-thru sign cabinet with total 43.25 sq/ft; and,
3) ground directional signs: 1-clearance for drive thru,
1- exit / 1 do not enter with one logo
Property (50-2-62)
Located on 51 Orange Plaza Lane, Middletown, New
York 10940
Designated TC.

DECISION: Variances granted
Aye: Johnson, Guenste, Wilson, Raffo

Martin Bauer Request for a variance of 249 (oversized accessory
building):
1) from 28x28 to 12x29ft.
Property (24-1-9)
Located at 1295 Goshen Turnpike, Middletown, New
York 10941
Designated R-2

DECISION: Variance granted
Aye: Guenste, Wilson, Johnson, Raffo

Darren Schwartz Request for a variance of 249-11 (sign variance)
1) Front yard from 15ft to 11ft
Property (50-2-43.1)
Located at 161 Dunning Road, Middletown,
New York 10940
Designated TC

DECISION: Variance granted
Aye: Johnson, Guenste, Wilson, Raffo

Jason R. Miller

Request for a variance of 249-19 (front yard setback)
1) from 60ft to 42.7ft
Property (20-1-3)
Located at 734 Scotchtown Collabar Road
Middletown, New York 10941
Designated RA

DECISION: Variance granted
Aye: Wilson, Guenste, Johnson, Raffo

Serge Lentz

Request for a variance of 249:
Oversized accessory building (shed)
1) from 28x28ft to 14x32ft
Property (7-2-39)
Located at 40 Susan Lane, Circleville, New York 10919
Designated R-2

DECISION: Variance granted
Aye: Wilson, Johnson, Guenste, Raffo

Laraine Anderson

Request for a variance of 249-19(d):
Front yard set back 60 to 28ft;
Property (32-1-65)
Located at 311 Howells Road, Middletown, New York
10940
Designated R-A.

DECISION: Variance granted
Aye: Johnson, Guenste, Wilson, Raffo

Elisia Schermerhorn

Request for a variance of 249-22(b) and 249-20(d) side
yards for a carport in front of the house.
1) side yard from 20ft to 18ft
2) accessory building in front of the primary building
Property (76-2-6)
Located at 170 Ridgewood Avenue Middletown, New
York 10940
Designated R-1.

DECISION: Variances denied
Nay: Johnson, Guenste, Wilson, Raffo

Antonino S. Mondello
(Advanced Chemical)

Request for an interpretation of 249-22
(use variance):
Use as a janitorial supply business.
Property (76-1-2)
Located at 136 Excelsior Avenue,
Middletown, New York and designated R-1.

DECISION: Interpretation for use of building as a
janitorial supply business and approved for this use only.

Aye: Johnson, Wilson, Guenste, Raffo

Harry & Frances E. Santos

Request for a variance of 249-22-D(1) area variances:
1) side yard from 20ft to 15ft
2) 2 side yards from 40ft to 30ft
3) frontage from 100 to 80ft
4) area from 18,750 to 9,600 sq/ft
5) depth from 125ft t 120ft
For replacement of existing dwelling with a larger one to
conform to the neighborhood.
Property (77-5-4)
Located at 11 Avenue D, Middletown,
New York 10940
Designated R-1

DECISION: variances granted subject to the removal of
any existing structures on the property.

Quick Chek Corporation
c/o Howard D. Geneslaw, Esq.

Request for a variance of 249-8(a) and
249-11(H)(6) accessory and sign:
1) location in front of primary building
2) three type fonts for pricing information
3) number of type faces up to eight
4) number of wall signs – 2 on each side of canopy
5) sign area

Property (78-1-94) located at 601 Dunning Road,
Middletown, New York 10940
Designated HC

CONTINUE to January 14, 2008

Leslie Rogers Newman Request for a variance of 249-20(12)(1):
1) front yard from 150ft to 100ft
on an existing non-conforming lot
Property (14-1-11) located on M&M Road, Wallkill,
New York 10940
Designated R-2

CONTINUE to January 14, 2008

**Concettina M. Cerasoli &
John Matlaldo /
Genevive Cerasoli** Request for a variance of 249-20(b)(6):
Use of second house for rental purposes (323 Shaw Road)
Property (7-2-14.1 & 14.2)
Located at 317 and 323 Shaw Road,
Middletown, New York
Designated R-2

DECISION: Variance granted as located on the map of
May 10, 2007
Aye: Johnson, Wilson, Guenste, Raffo

Goshen Foundry, LTD. Request for an interpretation of (249-26) permitted use:
Warehouse and repair shop for antique cars
Property (61-1-20-1)
Located on Goshen Turnpike
(adjacent to Wallkill River), Wallkill, New York 10941
Designated OR.

DECISION: Variance denied
Nay: Wilson, Johnson, Guenste, Raffo

Deborah Orrio & Alan Orrio

Eileen Orrio & Joseph Orrio Request for a variance of 249-19-D(i): yard set backs and area:

Lot 249-1-**23**:

- 1) side yard from 40ft to 19.5ft
- 2) 2 side yards from 100ft to 48.0 ft
- 3) Lot width from 200ft to 166.2 ft
- 4) Lot frontage from 200ft to 154.63ft
- 5) area from 2 acres to 0.74

Lot 249-1-**24**:

- 1) side yard from 40ft to 31.5ft
- 2) 2 side yards from 100ft to 64.6 ft
- 3) Lot width from 200ft to 108.2 ft
- 4) Lot frontage from 200ft to 54.60 ft
- 5) area from 2 acres to 0.86

Property (49-1-23 and 49-1-24)

Located at 36 and 42 Ingrassia Road,
Middletown, New York 10940
Designated RA

DECISION: Variances granted.

Aye: Johnson, Guenste, Wilson, Raffo

K.J. Mountain Corp.

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

- 1) side yard setback from 20 to 19.2ft

Property (39-10-6.1)

Located at **310** Highland Avenue Extension,
Middletown, New York 10940

Designated R-1

DECISION: Variance granted

Aye: Wilson, Johnson, Guenste, Raffo

K.J. Mountain Corp.

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

- 1) side yard from 20 to 18.3 ft

Property (39-10-6.2)

Located at **312** Highland Avenue Extension
Middletown, New York 10940

Designated R-1.

DECISION: Variance granted

Aye: Johnson, Guenste, Wilson, Raffo

SIX MONTH EXTENSION REQUEST:

Eric Johnson

Request for an extension for originally granted on June 13, 2005: 249-3 (accessory building) from 28x28ft to 32x56ft for a garage to store personal vehicles and equipment; Property located at 375 Howells Turnpike (13-1-37.1); Designated RA.

DECISION: Tabled to 1/14/08