

TOWN OF WALLKILL  
ZONING BOARD OF APPEAL

December 11, 2006

PRESENT: N. Guenste  
E. Johnson  
R. Sullivan  
E. Raffo  
P. Thompson  
S. Wilson  
J. Mattatall, Chairperson  
  
J. Owen, Esq.

MEETING OPENING:

The December 11, 2006 meeting of the Town of Wallkill Zoning Board of Appeals opened with the pledge to the flag followed by the presentation of the November 13, 2006 Meeting Minutes.

Mr. Mattatall: I Move to accept the Minutes as noted for correction; Seconded; All in favor; Motion carried.

Mr. Mattatall: At this time I would like to introduce the new board member, Stanley Wilson to the Zoning Board of Appeals.

The following extensions, continuances, public hearings and reviews for January 8, 2007 were conducted, heard, voted upon and reviewed.

CORRESPONDENCE

SIX MONTH EXTENSIONS:

**Wal-Mart Stores, Inc. (DBA Sam's Club):**

Mr. Mattatall: Request for a 6 month extension to variances granted on 9/12/2005 due to expire on January 10, 2007 to July 10, 2007.

Mr. Mattatall: I Move to grant a six (6) month extension to WAL-MART STORES, INC. (DBA Sam's Club) for the following: Request for an area variance (249-8(A)(5) for installation of a gasoline filling station; Property located at 300 N. Galleria Drive; Seconded; All in favor; Motion carried. Extension granted.

**Arnold Silver:**

Mr. Mattatall: Request for a six (6) month extension to variances granted on 7/10/2006 due to expire on January 10, 2007 to July 10, 2007. The applicant has been unable to begin construction due to a title issue that has yet to be cleared allowing him to complete the purchase of the property.

Mr. Mattatall: I Move to grant a six (6) month extension on the following variances: 1) lot width from 200ft to 100ft; 2) side yard from 40ft to 33ft; 3) side yard from 60ft to 26ft; 4) 2 side yards from 100ft to 59ft; 5) area from 2 acres to 1.78 acres; Property located at 282 Derby Road (SEC 21 BL 1 LOT 10); Designated RA. subject to the following: The CO not be issued until the debris is cleared; the removal of trees only necessary for the construction and that the tree lines be preserved; Seconded; All in favor; Motion granted.

**Frank Rossi (Site Plan):**

Mr. Mattatall: Request for a six (6) month extension to a variance granted on 6/12/2006 to May 12, 2007. They are presently working with the landscape architect for the Town, Planning Board Engineer and Highway Superintendent for final site plan approval comments.

Mr. Mattatall: I Move to grant a six (6) month extension to Frank Rossi: on variances granted for 249-28 D-3 (a)(b): landscape buffer from 50ft to 10ft; Property located at 390 Silver Lake Scotch Road (SEC 40 BL 1 LOT 15.221); Designated PID; Seconded; All in favor; Motion carried.

**Kathryn and Thomas Staples:**

Mr. Mattatall: Request for a six (6) month extension on variances granted on 6/12/2006.

Mr. Mattatall: I Move to grant a six month extension to 5/12/2007 for the applicant for the following variance of 249-22(D)(a) on a 2 family residence: 1) lot width from 80ft to 50ft; 2) rear yard from 30ft to 26ft; 3) 2 side yards from 30ft to 22ft; 4) lot area from 12,500 sq/ft to 5,000 sq/ft; 5) side yard from 15ft to 14ft; for construction of a deck on a 2 family residence; Property located at Eight Clark Street (SEC 52 BL 4 LOT 6); Designated R-1; Seconded; All in favor; Extension granted.

**Thomas J and Kathryn Staples:**

Mr. Mattatall: We have received a request for a 6 month extension on variance granted on 8/8/2005 to 1/9/2006 and from 6/2006 to 1/10/2007 for variance of 249-22-D (side/rear yard setbacks): 1) side yard from 15ft t 12ft; 2) side yard from 15 to 14ft; 3) rear yard fro 30ft to 11ft; for construction of a deck at property located at Eight Clark Street (52-4-6); Designated R-1.

Mr. Mattatall: I Move to grant a six (6) month extension; Seconded.

**DISCUSSION:**

Mr. Mattatall: This is a pre-existing lot.

**VOTE:**

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

Mr. Mattatall: The extension has been granted.

CONTINUATION:

AAA DEVELOPERS

(Helen M. Keener):

Request for a variance of 249-22-D (lot area and side yard set backs);

- 1) side yard from 20ft to 11ft;
- 2) 2 side yards from 40 ft to 22 ft
- 3) front yard set back from 35ft to 24.5 ft
- 4) lot area from 18,750 sq/ft to 6,250 sq/ft
- 5) lot width from 100 ft to 50ft

Property located on Excelsior Avenue

(Sec 75 BL 3 Lot 14);

Designated R1.

Mr. Mattatall: I Move to continue the Public Hearing at 7:43 pm; Seconded; all in favor; Motion carried.

Mr. Mattatall: You made the building changes.

Roger Ferris: Yes.

Mr. Mattatall: That works out and is better and is not quite so far out on the property there.

Ms. Guenste: Last time it was 52 feet and you took 4 feet off. We went back and forth to see what type it is?

Roger Ferris: Bi-level.

Ms Guenste: 2 stories; what about decks?

Roger Ferris: Yes.

Ms Guenste: You'll need it to meet the foot print.

Mr. Mattatall: Your rear yard variance is going to give it to you.

Mr. Mattatall: You have a swale marker there.

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

Mr. Mattatall: Any questions from the Board?

Mr. Mattatall: I Move to close the Public Hearing at 7:47 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances: 1) front yard from 35ft to 18.6ft; 2) side yard from 20ft to 11ft; 3) 2 side yards from 40ft to 22ft; 4) area from 18,750 sq/ft to 6,250 sq/ft; 5) lot width from 100ft to 50ft; Seconded.

DISCUSSION: (none)

VOTE:

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

DECISION:

Mr. Mattatall: The variances are granted. Please see the building department. They are good for 6 months and if work has not started, please come in before that time to request an extension.

AAA Developers  
(Helen M. Keener):

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

- 1) front yard set back from 35ft to 24.5ft
- 2) Side yard set back from 20ft to 11ft
- 3) 2 side yards from 40ft to 22ft
- 4) Lot area from 18,750 sq/ft to 6,250 sq/ft
- 5) Lot width from 100ft to 50ft

Property located at 50 Ridgewood Avenue  
(SEC 75 Block 3 Lot 10)  
Designated R1.

Mr. Mattatall: I Move to continue the Public Hearing at 7:49 pm.

Mr. Mattatall: This is virtually the same situation as you had there before.

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

Mr. Mattatall: Any questions from the Public? (No)

Mr. Mattatall: Any further comments from the Board? (No)

Mr. Mattatall; I Move to close the public hearing at 7:51 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances of 249-22D(1): 1) front yard from 35ft to 24.5 ft; 2) side yard from 20ft to 11ft; 3) 2 side yards from 40ft to 22ft; 4) lot area from 18,750 sq/ft to 6,250 sq/ft; 5) lot width from 100ft to 50ft; Seconded.

DISCUSSION: (none)

VOTE:

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

DECISION:

Mr. Mattatall: The variances are granted, please see the Building Department.

Benchmark Innovations, LLC. Request for a variance of 249-19(1):  
1) rear yard from 70ft to 40ft  
2) front yard from 60ft to 48.3ft  
3) lot depth from 300ft to 125ft  
4) area from 3 acres to 0.922 acres  
Property located on Whipple Road  
(Sec 62 Block 1 Lot 64)  
Designated RA.

Mr. Mattatall: I Move to continue the Public Hearing at 8:59pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: No one is present for the application to present further information on this matter.

Mr. Mattatall: There is a request for an area variance from 3 acres to .922 acres; lot depth 300 ft to 125ft; front yard from 60ft to 48 ft; rear yard from 70ft to 40ft. When I checked the soils map it is 100% NAD 77D – group 12 which says that no septic is allowed.

Mr. Mattatall: Are there any comments from the Board?

Mr. Mattatall: Not quite a third of the zoning and they owned it for some time and may not have built on it because it. The water is from a private system and has nothing to do with adjacent developments.

Mr. Mattatall: I Move to close the Public Hearing at 9:01 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances of 249-19(1): 1) rear yard from 70ft to 40ft; 2) front yard set back from 60ft to 48.3ft; 3) lot area from 3 acres to 0.922 acres; 4) lot depth from 300ft to 125ft; Seconded.

Ms Raffo: This is a substantial variance request and the septic is completely illegal.

Mr. Johnson: This is substantial and undesirable. The septic which is not allowed. It would have an adverse affect o the environment.

Ms Guenste: I agree for the same reasons.

Mr. Mattatall: It does not allow septic and there is nothing they can do with it.

VOTE:

In favor (aye) 0

Opposed (nay) 7: Wilson, Raffo, Johnson, Guenste, Sullivan, Thompson, Mattatall

DECISION:

Mr. Mattatall: The variances are not granted.

TODD LYONS

Request for a variance of 249-22-D :

Lot #1

- 1) side yard from 5ft to 3.64ft;
- 2) lot depth from 125ft to 120ft
- 3) area from 18,750sq/ft to 12,920 sq/ft
- 4) permit accessory garage closer to front lot line than the principal building

Lot #2

- 1) lot width from 100ft to 80ft;
  - 2) lot depth from 125ft to 120ft;
  - 3) area from 18,750 sq/ft to 9,600/sq/ft.
- Property located at 221-225 Schutt Road  
(SEC 77 BL 6 LOT 6)  
Designated R-1.

Mr. Mattatall: I Move to continue the Public Hearing at 7:55 pm; Seconded; All in favor; Motion carried.

Kevin Dugan, Fellenzer Engineering  
Todd Lyons, Applicant

Kevin Dugan: We have removed the garage and it is part of the removal process and is on the plans. It may be a condition. The property: lot #1: 11,731 sq/ft and lot #2: 10,800 sq/ft. The applicant wanted the house that is there and it is 25 feet off that and wanted a reasonable back yard and not too tight. Lot 2 – the new lot meet all internal set backs (dotted lines) and we have no issues with that. It is with the area and frontage and lot depth and rear set backs.

Ms Guenste: What is under the concrete?

Todd Lyons: I don't know.

Kevin Dugan: I did not take the cover off.

Todd Lyons: It has nothing to do with water or sewer. It is an old cover.

Kevin Dugan: The existing house is on municipal services.

Mrs. Thompson: You are removing the garage?

Kevin Dugan: Yes.

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

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



ISSAC LANDAU: Request for a variance of 249-D(1) (lot size):  
Lot A:  
1) area from 3 acres to 2.219 acres  
2) lot width from 200ft to 150ft (249-19 D(2))  
Lot B:  
1) lot area from 3 acres to 2.60 acres  
Property located on VanAmburgh Road  
(SEC 31 BL 1 LOT 15.22)  
Designated RA.

Mr. Mattatall: I Move to continue the Public Hearing at 9:02 pm; Seconded; All in favor; Motion carried.

Jay Myrow, Esq., Bluestein & Rich  
Roger Ferris  
Valerio Rios, Prudential Realty.

Jay Myrow, Esq.: In the Summer or Fall 2004 Mr. Landau went into contract on the project. His office presented it to the Planning Board for a 4-lot subdivision and all lots conformed. He got it within 2 weeks of approval and moratorium came into effect. It was decided to pursue 3 lots that were exempt and make lot count 3 and sold 2 of the lots. The remainder lot has these 4 or 5 old dilapidated buildings on the property and the house up front in front corner of the property. The house is not in good shape either.

Proposal is to subdivide in 2 lots with the condition the 4 block buildings be removed and taken down and property restored to allow for the construction of the other dwelling.

Mr. Mattatall: Take down all the barns there?

Jay Myrow, Esq.: Yes. I know the board expressed the self-created aspect of the project because at the time he agreed to buy the land and problem with the 4<sup>th</sup> lot and at the time reality to situation he invested substantial money with Roger Ferris' office and then decided to make the best of less than ideal situation.

It has been on market for quite some time and Ms Rios can speak to history. It has been difficult to market and prices have been at 199 with one or two who walked away and one came in at \$150,000.

We have been trying to sell for over a year – on November 2005 it went on the market. The way house is situated close to the front and the house is in bad shape. I brought in an offer for \$150,000 and the people pulled out. Easier if it is a smaller lot. It is a very hard piece to market. The house is too small for all that in the back.

Jay Myrow, Esq.: The house begs for a smaller lot. On Lot #1 from 3 acres to 2.21, width from 200ft to 150ft.

Mrs. Thompson: Remove all the concrete barns?

Roger Ferris: Yes.

Mr. Mattatall: Myself looking at the barns one might be useable, or, how much to make it that way.

Jay Myrow, Esq.: On the left side of the ridge line I can't see them spending the money. From \$35-40,000 to \$60-70,000 to get rid of the barns. If you went inside the house, you have to fix roof, fix kitchen, part of that is it has been unattended for 2 years and exterior has not gotten any better in 2 years.

Mr. Mattatall: Any questions from the Board?

Ms Guenste: I see – you bought it in 1/2005 so I am sure the disrepair to barns did not happen within that time and I understand people not wanting to buy property with concrete barns – of course not a value to it. No argument with not selling the property. In disrepair no one will want to buy and if kids they don't want the liability. He went in and bought and knew how it was at the time. He bought it knowing the condition and how it was and if it has been empty for 2 years made no effort to get house in condition to sell it and when he bought it with moratorium in effect it was still 200 feet and did not affect making the lot saleable.

Roger Ferris: No variances were needed for a flag lot.

Ms Guenste: RA is 200 feet.

Roger Ferris: That is building set back and we have...don't have map we had before board at that time.

Mr. Mattatall: You have one potentially dangerous and acreage is more principal than affect I am concerned with. At this point you want to take them down.

Jay Myrow, Esq.: This is clearly self created, Mr. Landau made a decision , and it went into moratorium and he went ahead. That is one aspect of what you have to consider. And one aspect solely not to turn down an application. Look at what the net result will be. Criteria – if benefit will not affect the neighborhood. In this case in it's condition and the barns come down, clean the place up and that happens before anything else happens, not only is our benefit is outweighing the detriment – no detriment to the neighborhood and direct benefit here. That does not say he will be irresponsible if it is turned down here. You have control over it and you can tell us no if we come back for an extension. I am assuming people in the neighborhood would appreciate it.

Mrs. Thompson: A reason for 3 acre in RA is to keep more open space. Your client got himself into this and if he is in real estate he knows that. I don't like flag lots.

J. Myrow, Esq.: Will it create over crowding – No. It is a reasonable sized lot.

Ms Raffo: It is a flag lot number one, and one lot is down to 2/3<sup>rd</sup> to what it is to be. I understand, and he can put one descent house on the lot. We are not here so he can make a profit but to benefit the Town.

Jay Myrow, Esq.: I have not heard detriment to the neighborhood if granted - but a benefit.

Ms. Raffo: There is detriment in RA and it was put into effect for water which you don't have, put in septic, size for a reason.

Jay Myrow, Esq.: The 2 lots are a fraction of what we propose. That is character of the neighborhood.

Ms Raffo: 50 years ago people were not worried about septic and water and why zoning was changed and preserved and resources in the Town and where they need to be preserved.

Mr. Mattatall: Any questions or comments from the Pubic?

Hank Andershak: Purchased 2 lots from original sub division and they are not on the map. They are to the left of proposed dwelling. I am for this sub division – variance because it would add another neighborhood and be more appealing and another house – a 3<sup>rd</sup> additional one would go along with mine. Also, as Mr. Myrow indicated, look at the conditions of the dilapidated barns, if anything, over the last 6 months since I have the lots the barns have caved in. I am nervous going in. If you are building a house to sell to families and kids like to explore... I understand buyer beware – it is my fault to not research to fullest extent, any variance to include dating them down I am for. Talking about zoning in 3 acres – the house is in the back off the road and hidden by structures in the front and distance is not an eyesore. I had 2 wells and one 25 gal per minute and 15 gal per minute and water supply is adequate.

Ms Raffo: If we build on undersized lots it will not be.

Hank Andershak: It will improve by adding another house and more safe with the house coming down and nothing to prevent anyone from going into the barns and I am here to voice my opinion for the sub division.

Ms Sullivan: If the barns so unsafe why does not building department tell them to take them down now why only subject to granting a variance?

Ms Guenste: I would think a builder or neighborhood would ask this.

Ms Raffo: He is not doing us a favor taking down the buildings.

J. Myrow, Esq.: The condition is what it is and instruct him to secure them from the outside.

Mr. Wilson: I believe the benefits you are looking for can be achieved by other means, by putting up a nice house still get value.

Mr. Mattatall: As much like to see them come down as condition, he knew what he was doing when he did it and not limiting his making a profit and one lot not two, not our function to help him make ka profit. One way or another, it is my belief, the will get secured and 2<sup>nd</sup> part – we are to change this to allow after going through new zoning sets us up for setting precedence. The lots on the other side have not been sub divided yet. The 2 lots as one is 2 acres and comparable and other is 4 acres.

J. Myrow, Esq.: Precedence – Mr. Owen clarify – the courts distinction a decision is make as long as it is rational. In this case there are loads of benefits. You don't set a precedence.

Mr. Wilson: barns have no affect on this they have to come down one way or another.

Ms Guenste: The benefits can be achieved other ways – yes, self created – yes, change the neighborhood – yes – not all the homes are on very large lots – if we make them small lots it will change the character of the neighborhood.

J. Myrow, Esq.: You are talking 2+ acre lots.

Ms Guesnte: self created and benefit is selling property by other means.

Valerio Rios, Real Estate Agent: The house can be bought and fixed up for everyone and the other lot - with a nice house. Not all lots are 5 or 6 acres. If you know property it is beautiful and house in the back where it sit and not seen from the road – don't see it hurt anybody and beneficial

J. Myrow, Esq.: The change of four (4) buildings coming down – a positive.

Mr. Mattatall: Any comments from the Board?

J. Myrow, Esq.: I have listened and read the statute and unless - years of detriment to the community considering to what can happen here. I instructed him to make them safe and reasonable secure from trespassers – when they come down I don't know and, don't know his situation. I find it a real benefit when that is going to happen. Not say that as a threat – it is our obligation and don't know when they will come down. I'll ask the question and report back.

Mr. Mattatall: It takes time for the building department to make them do anything.

Mr. Mattatall: I Move to close the Public Hearing at 8:27 pm; Seconded; All in favor; Motion carried.

Mr. Mattatall: I Move to grant the following variances:

249-19D(1): lot area on Lot A: from 3 acres to 2.219 acres; lot area on Lot B: from 3 acres to 2.60 acres;

249-19D (2): lot width on Lot A: from 200ft to 150ft; and variance from the soils formula on both lots; Seconded.

Subject to the following: that all four (4) concrete barns be removed for commencement of construction; Seconded.

DISCUSSION:

Mr. Johnson: No for the reasons noted and there are 3 of the 5 things we have to consider.

Ms Guenste: It will have adverse affects on the physical environment and benefit can be achieved by other means. These were discussed earlier.

Ms Sullivan: No for the same reasons discussed. It is a self created hardship, adverse affects on physical environment and benefit achieved by other means

Mr. Wilson: You can receive benefit by other means.

Ms Raffo: You can get benefits by other means or leave it as it is. It is undesirable change – flag lots are not ideal. It is a substantial request. You are going from 3 acres close to 2 acres. It is self created.

Mr. Mattatall: He knew the conditions when he purchased it and can benefit by leaving it as one lot.

VOTE:

In favor (aye) 0

Opposed (any 7: Guenste, Johnson, Sullivan, Wilson, Raffo, Thompson, Mattatall

DECISION:

Mr. Mattatall: The variances are denied.

PUBLIC HEARINGS:

ELISEO PEREZ: Request for a variance of 249-19D(1):  
1) side yard from 40ft to 3.5 ft  
2) side yard from 40ft to 15ft  
3) lot area from 3.0 acres to .21 acres  
Property located at 21 Elm Street  
(SEC 33 BL 1 LOT 4)  
Designated RA.

Mrs. Thompson: The mailings were reviewed by the Board and filed by the Secretary. The Public Hearing Notice was read at 8:31 p.m.

Mr. Mattatall: I Move to open the Public Hearing at 8:32 pm. Please present your application.

Emma Gonzalez, Architect: 21 Elms Street in Howells.

Mr. Perez: We are requesting side yard for pre-existing non-conforming lot. We want to replace existing piece in the back and move in and improve the area. The side will stay 9 feet on one side and 15.5 on other side.

Mr. Mattatall: The property is small and is pre-existing lot and zoning – built.

Mr. Perez: I have lived there for 31 years.

Mr. Mattatall: It will bring it further away from the property line and will not be on the property line where you walk outside.

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

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

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

Mr. Mattatall: I Move to grant the following variance of 249-19D (1): 1) side yard from 40ft to 3.5ft; 2) side yard from 40ft to 15ft; 3) area from 3.0 acres to 1.2 acres; Seconded.

DISCUSSION: (None)

VOTE:

In favor (aye) 7            Johnson, Sullivan, Guenste, Raffo, Wilson, Thompson, Mattatall  
Opposed (nay) 0

DECISION:

Mr. Mattatall: The variances are granted. You have 6 months to get substantial start on the work.  
If not come back and request an extension.

HEARING REVIEWS: (January 8, 2007)

MICHAEL GURDA

Mr. Mattatal; You are looking at a big garage?

Mr. Gurda; Yes. A residential garage.

Mr. Mattatall: Behind the residence?

Mr. Gurda: Yes.

Mr. Mattatall: What type of garage?

Mr. Gurda: To match the house. Exactly like the house. Not a pole barn or steel. Nice.

Mr. Mattatal: I Move to set a public haring for 1/8/2007; Seconded; All in favor; Motion carried.

Mr. Mattatall: 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 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.

CROSS VIEW REALTY:

Mr. Mattatall: Cul-de-sac that is 1800 feet longer than 1000 we allow.

Lorraine Potter, Lanc & Tully Engineering: these are the property owners from Cross View Realty. This is Scotchtown Collibar Road – old Bassenger parcel. Propose 12 conventional residential lots. We are before the Planning Board. Started in 2002 and presented and held up in moratorium and going with new conventional zoning. Bring you back to what we are requesting is original sub division is off Lybolt Road and Stone Ridge Development. They did a cul-de-sac with dead end "T". PB request because of long parcels adjoining – in future if developed potential a thru road than dead end cul-de-sacs. We went to a cul-de-sac to this point ( map) and leaving a dead end meeting restrictions at the time, the PB did not want it at this point (map) to loop like this and would be like a short cut. They wanted it dead end here (map) requiring not short cut Lybolt to Scotchtown Collibar Road. We re-did sub division with circular cul-de-sac with a "T" and looking at potential cross connection through parcel. It was sub divided in front and lot with remaining land with road potential go thru.

Scenic View owns it.

Mr. Mattatall: They sent me a one sentence from the PB and the problem is they don't want cul-de-sac – it does not get developed at that length. There is lot of policing issues. Makes sense only if someone develops the road in between.

Applicant: The person who owns land in front has an idea of this happening. He is in front of the PB now.

Mr. Mattatall: If I am convinced this is not dead end there (map), it makes more sense.

Lorraine Potter: Other benefit if it does happen: the school children now go to the end and creates potential problem especially if familiar with the hill. The Pine Bush is trying to achieve and felt if this is dead end and the temp "T" and doing same thing here (map).

Ms Sullivan: Are you selling lots saying it is a cul-de-sac or nor?

Lorraine Potter: It is noted that it is a temporary turn around as highway department has defined it.

Ms Sullivan: How long is temporary for?

Applicant: If we get this and the applicant with the Planning Board is waiting to see what happens here.

Mr. Mattatall: We need to see a complete plan from the PB. I have copies of this. Need someone to say someone will develop the road from one end to the other. The law as it stands, we can discuss it the project can get stonewalled. If reason for variance, i.e.

Lorraine Potter: We have still to get hearing with PB and preliminary approval – they recommended we come here first. They will not give us

Mr. Mattatall: For the sub division is pursuant to back end to a road to this place.

Lorraine Potter: We tried with cluster plan, short run plan with flag lot and big parcel and wet lands and it is fairly narrow as you go back. With their recommendation that is why it became so long.

Mr. Mattatall; The question is 'is it going to go some place?'

Mrs. Thompson: Is this Pine Bush or Valley Central?

Lorraine Potter: It is the Valley Central School System.

Mr. Mattatall: Fogarty property is Pine Bush. No way vote fairly with out knowing more and it is twice again the length of the cul-de-sac there.

Applicant: When this was proposed, their's was at the Planning Board as well. We can get their plans requested from there.

Mr. Mattatall: We need to know what is going on.

Ms Raffo: They almost need to go hand in hand.

Lorraine Potter: We'll try to get the other information for you.

Mr. Mattatall: we understand intricacies of working with another investor and the planning board.

Lorraine Potter: Please make a correction to the application: It is Alease Drive not Malissa Drive.

Mr. Mattatall: The request is for 2,870 feet of cul-de-sac road.

Mr. Mattatall: I Move to hold a Public Hearing on January 8, 2007 at 7:30 pm or as soon thereafter as the matter can be heard; Seconded; All in favor; Motion carried.

Mr. Mattatall: 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 next 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.

MEETING CLOSE:

Mr. Mattatall: There being no further items to be presented to the Town of Wallkill Zoning Board of Appeals, I Move to close the Meeting at 9:04 pm; Seconded; All in favor; Motion carried.

Tsb/jcd

TOWN OF WALLKILL  
ZONING BOARD OF APPEAL

DECISION SHEET

DECEMBER 11, 2006

AAA DEVELOPERS  
(Helen M. Keener):

Request for a variance of 249-22-D  
(lot area and side yard set backs):  
1) side yard from 20ft to 11ft  
2) 2 side yards from 40 ft to 22 ft  
3) front yard set back from 35ft to 24.5 ft  
4) lot area from 18,750 sq/ft to 6,250 sq/ft  
5) lot width from 100 ft to 50ft  
Property located on **Excelsior Avenue**  
(Sec 75 BL 3 Lot 14)  
Designated R1.

DECISION: Variances granted.

AAA Developers  
(Helen M. Keener):

Request for a variance of 249-22-D(1):  
1) front yard set back from 35ft to 24.5ft  
2) side yard set back from 20ft to 11ft  
3) 2 side yards from 40ft to 22ft  
4) Lot area from 18,750 sq/ft to 6,250 sq/ft  
5) Lot width from 100ft to 50ft  
Property located at **50 Ridgewood Avenue**  
(SEC 75 Block 3 Lot 10)  
Designated R1.

DECISION: Variances granted.

Benchmark Innovations, LLC. Request for a variance of 249-19(1):  
1) rear yard from 70ft to 40ft  
2) front yard from 60ft to 48.3ft  
3) lot depth from 300ft to 125ft  
4) area from 3 acres to 0.922 acres  
Property located on Whipple Road  
(Sec 62 Block 1 Lot 64)  
Designated RA.

TODD LYONS  
DECISION: Variances denied  
Request for a variance of 249-22-D :

Lot #1

- 1) side yard from 5ft to 3.64ft;
- 2) lot depth from 125ft to 120ft
- 3) area from 18,750sq/ft to 12,920 sq/ft
- 4) permit accessory garage closer to front lot line than the principal building

Lot #2

- 1) lot width from 100 ft to 80ft
  - 2) lot depth from 125ft to 120ft
  - 3) area from 18,750 sq/ft to 9,600 sq/ft
- Property located at 221-255 Schutt Road  
(SEC 77 BL 6 LOT 6)  
Designated R-1.

DECISION: Variances granted on each lot.

ISSAC LANDAU:

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

Lot A:

- 1) area from 3 acres to 2.219 acres
- 2) lot width from 200ft to 150ft (249-19 D(2))

Lot B:

- 1) lot area from 3 acres to 2.60 acres

Property located on VanAmburg Road  
(SEC 31 BL 1 LOT 15.22)  
Designated RA.

DECISION: Variances denied.

ELISEO PEREZ:

Request for a variance of 249-19D(1):

- 4) side yard from 40ft to 3.5 ft
- 5) side yard from 40ft to 15ft
- 6) lot area from 3.0 acres to .21 acres

Property located at 21 Elm Street  
(SEC 33 BL 1 LOT 4)  
Designated RA.

DECISION: Variances granted

SIX MONTH EXTENSIONS:

Wal-Mart Stores, Inc.  
DBA Sam's Club):

A six (6) month extension to variances granted to 7/10/2007 from 9/12/2005 due to expire on January 10, 2007 to July 10, 2007.

Area variance (249-8(A)(5) for installation of a gasoline filling station; Property located at 300 N. Galleria Drive.

Arnold Silver:

Request for a six (6) month extension to variances granted to 7/10/2007 from 7/10/2006: 1) lot width from 200ft to 100ft; 2) side yard from 40ft to 33ft; 3) side yard from 60ft to 26ft; 4) 2 side yards from 100ft to 59ft; 5) area from 2 acres to 1.78 acres; Property located at 282 Derby Road (SEC 21 BL 1 LOT 10); Designated RA. subject to the following: The CO not be issued until the debris is cleared; the removal of trees only necessary for the construction and that the tree lines be preserved.

Frank Rossi (Site Plan):

Request for a six (6) month extension to a variance granted on 6/12/2006 to May 12, 2007 of 249-28 D-3 (a)(b): landscape buffer from 50ft to 10ft; Property located at 390 Silver Lake Scotch Road (SEC 40 BL 1 LOT 15.221); Designated PID;

Kathryn and Thomas Staples:

Request for a six (6) month extension on variances granted on 6/12/2006 to 5/12/2007 from 249-22(D)(a) on a 2 family residence: 1) lot width from 80ft to 50ft; 2) rear yard from 30ft to 26ft; 3) 2 side yards from 30ft to 22ft; 4) lot area from 12,500 sq/ft to 5,000 sq/ft; 5) side yard from 15ft to 14ft; for construction of a deck on a 2 family residence; Property located at Eight Clark Street (SEC 52 BL 4 LOT 6); Designated R-1.

Thomas J and Kathryn Staples:

Request for a six (6) month extension on variances granted 8/8/2005 to 1/9/2006 and from 6/2006 to 1/10/2007 for variance of 249-22-D (side/rear yard setbacks): 1) side yard from 15ft to 12ft; 2) side yard from 15 to 14ft; 3) rear yard from 30ft to 11ft; for construction of a deck at property located at Eight Clark Street (52-4-6); Designated R-1.