

TOWN OF WALLKILL  
ZONING BOARD OF APPEAL

November 13, 2017

PRESENT:

V. Biondollilo  
R. deRoziere, Chairperson  
K. Dunn  
M. Langley  
S. Najac  
J. Schultz  
A. Vavricka

J. Furst, Esq.

MEETING OPENING:

The meeting opened with the pledge to the flag followed by the roll call and presentation of the October 16th Meeting Minutes.

Mr. deRoziere: I Move to approve the October 16, 2017 Meeting Minutes; Seconded (Dunn); All in favor; Motion carried.

LIASION COMMENTS AND UP-DATES:

Mr. Dulgarian: We had 2 meetings: October 18 – Dunning Hotel (41 Dunning Road) – it is tabled as we look at traffic studies as it is across from another hotel. WK Mechanical in Howells, approved – they do heating units, duct work (up by 5L, Todd Lyons, Steve Dodd) they are expanding. Homeland Tower was over the last two (meetings) – want a 150 ft tower on Slaughter road and visible from the horse farm. Fair Oaks Exxon – tabled as look at use car sales as improvement of convenience/gas station and a drive thru – coffee type thing and is on Bloomingburg Road.

November 1 – extensions for Caldor Storage, La Quinta received an extension. The Tower was back and continue working with them for viable sites or relocation on the property so not near the road.

Mr. Biondollilo: Tree type?

D. Dulgarian: No mono-pole and will work with colors. Board’s point is actual location – so many places it could be and perhaps get reception not on 84 corridor.

East Main – Hillhouse are looking for café with bakery and offices up-stairs (the white house). Corner of East Main now known as Old East Main. Their drawbacks are that it is in a flood plane which has changed over the years. It may come before the ZBA. Complete restoration for building to make gunpowder for George Washington.

TRAINING UP-DATES:

J. Furst, Esq.: Nothing for November scheduling into the new year.

CONTINUED:

CN Direct Construction, Inc.

(Elizabeth & Patricia Jones)

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

1. Lot area from 3.0 acres to 1.84 acres;
2. Lot depth from 300ft to 222ft;

For construction of a single-family home on an existing non-conforming lot.

Property located at 165 Derby Road

(SEC 21 BL 1 LOT 46)

Designated RA

Mr. deRoziere: We have received a letter from CN Direct Construction, Inc, withdrawing their ZBA application. They thanked the Board for their courtesies that have been extended.

Mrs. Dustumbo: What does that mean?

Mr. deRoziere: No vote was taken – it is as if he had never applied.

Linden Development:

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

1. Side yard from 100ft to 80.4ft;
2. Width from 200ft to 135ft;
3. Lot frontage from 200ft to 115ft;
4. Area from 2.0 acres to 1.87 acres;

For construction of a single-family home.

Property located at 172 Derby Road

(SEC 21 BL 1 LOT 38.2)

Designated RA

Mr. deRoziere: We have received a request to continue to December as they continue their work with the Town engineer.

280 Rt 211 East  
(O&B Realty Corp):

Request for a variance of 249 (Sign):  
1) Electronic message center on an existing sign;  
Property located at 280 Rt 211 East  
(SEC 50 BL 2 LOT 32.12)  
Designated HC

Mr. deRoziere: The applicant has requested to have their Public Hearing rescheduled as they continue their research.

PUBLIC HEARING:

GNS Group, Ltd.

(Dunkin Donuts /

Crystal Run Crossing):

Request for a variance of 249-11.0(2)(a) (sign area) and 249-11.0(2)(b)[1]:

1) Wall signage from 50 SF to total 100 SF;

2) Additional 3 SF of free-standing signage in addition to previously approved variance to permit 211 SF from 75 SF of free standing signage.

Property located at Two Ben Gillman Way /

7-31 Crystal Run Road

(SEC 78 BL 1 LOT 80.61)

Designated OR

Mr. deRoziere: The mailings were reviewed by the Board and filed for the record.

Ms Najac: The Public Hearing Notice was read at 7:42 pm.

Mr. deRoziere: I Move to open the Public Hearing at 7:43 pm; Seconded; All in favor; Motion carried.

Mr. deRoziere: Please present your application.

Nancy Forrest, Lodi Signs: I am here to re-publish 2 signs – one cutout of Dunkin Donut's cup and a 3x4 sign. The way the building is angled and drive thru sign is directional and is internal illuminated for nighttime – these are the three items we are here for.

Mr. deRoziere: In September you asked for more signs and have scaled back?

Nancy Forrest: The awnings do not have graphics so do not need a variance.

Mr. deRoziere: You can effectively advertize?

Nancy Forrest: Yes.

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

Mr. deRoziere: Any questions or comments from the Public? (No)

Mr. deRoziere: Any comments from the Board?

Mr. deRoziere: There are five factors in making a determination: 1) *benefit by other means* – need to advertise and it is unique where you are between the RT 17 exit and it is isolated and you need to advertise what you are offering as part of gas services as well. That is only option; 2) *undesirable change* – not the case; 3) *substantial* – it is when look at total amount since original Gas Land they received signage but you are isolated an need more; 4) *environmental* – no; 5) *self-created* – almost everything is. An you have 3 of the 5 in your favor.

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

Mr. deRoziere: This is local determination according to the County.

Mr. deRoziere: I Move that this Board views this as Unlisted Action for purposes of SEQRA, Seconded (Dunn); All in favor motion carried.

Mr. deRoziere: I Move that this Board views this as a Negative Declaration for the purposes of SEQRA; Seconded (Dunn); All in favor; Motion carried.

Mr. deRoziere: I Move to grant the following variances: 1) permit total of 100 SF of wall signage when Code permits 50 SF; 2) permit an additional 3 SF of free-standing signage in addition to previously approved variance to permit 211 SF, when Code permits 75 SF of free standing signage; Seconded (Biondollilo).

DISCUSSION:

Mr. Biondollilo: On the 5 criteria, you do meet a substantial number of those.

Mr. Dunn: I agree with the 5 criteria.

VOTE:

In favor (aye):	7	Biondollilo, Dunn, Najac, Schultz, Vavricka, Langley, deRoziere
Opposed (nay):	0	

DECISION:

Mr. deRoziere: The variance is granted, please continue with the project.

Mt. Carmel:

Missionary Society of

Our Lady of Mt Carmel)

Request for an area variance (249-8 a(5):

1) Front yard set back from 50ft to 30ft;

For a retirement residence for clergy as part of existing church/religious institution.

Property located at 82-90-100 Euclid Avenue /

205 Wawayanda Avenue

(SEC 69 BL 1 LOT 18)

Designated R1

Mr. deRoziere: The mailings were reviewed by the Board and filed for the record.

Ms Najac: The Public Hearing Notice was read at 7:52 pm.

Mr. deRoziere: I Move to open the Public Hearing at 7:53 pm; Seconded (Najac); All in favor; Motion carried.

Mr. deRoziere: Please present your application.

Tom DePuy, DePuy Engineering: Retirement home proposed on Carmelite Drive with location for direct access to existing chapel. We had a grading problem and had to move it forward and thus the variance. In the existing parking lot and parking lot moved to the east. That's a summary of the project.

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

Mr. deRoziere: Any questions or comments from the Public? (No)

Mr. deRoziere: Any comments from the Board?

Mr. deRoziere: There are 5 criteria and this whole area is owned and across the street that is used for various functions and keeping maintenance and building is close to the boundaries.

1) *benefit by other means* – asked why could not move and was told the grading; 2) *undesirable change* – not make any change in that regard and enhancement to what mission does; 3) *if it substantial* – from 30 to 50 feet – yes; 4) *self created* – almost everything is; 5) *adverse environmental* – I don't believe it will.

Mr. deRoziere: The County said it is local determination.



Mr. deRoziere: I Move to close the Public Hearing at 7:55 pm; Seconded (Najac); All in favor; Motion carried.

Mr. deRoziere; I Move that the Board views this as Type II for purposes of SEQRA; Seconded (Najac); All in favor; Motion carried.

Mr. deRoziere: I Move to grant the following variances: 1) front yard from 50 to 30ft; Seconded (Dunn).

**DISCUSSION:**

Ms Schultz: They keep the site very, very nice.

**VOTE:**

In favor (aye):	7	Biondollilo, Dunn, Najac, Schultz, Vavricka, Langley, deRoziere
Opposed (nay):	0	

**DECISION:**

Mr. deRoziere: The variance is granted, please continue with the Planning Board.

T. DePuy: Can you add anything about the accessory?

J. Furst, Esq: The Board determined the residence for clergy is inherent and is on the campus. It is in the public hearing notice as well.

**DEERFIELD COMMONS** Request for a variance of 249-24:  
1) Front yard from 50ft to 40ft;  
2) 2 side yards from 40ft to 19ft;  
3) One side yard from 39ft to 80ft;  
4) 2 lot widths:           From 119ft to 200ft;  
  From 124ft to 200ft;  
5) 2 lot coverages from 20% to 22%;  
6) 4 building length variance from 160 ft to 261ft;  
7) 2 density variances to permit desired number of units on  
approximately 3.2 acres when Code requires lot sizes of  
9.48 acres.  
For subdivision of parcel of land into 3 separate lots as part  
of senior housing development.  
Property located at NY State Rt 211 East and Inwood Road  
(SEC 44 BL 1 LOT 42.2 and 25.2)  
Designated R1

Mr. deRoziere: The mailings were reviewed by the Board and filed for the record.

Ms Najac: The Public Hearing Notice was read at 7:59 pm.

Mr. deRoziere: I Move to open the Public Hearing at 8:01 pm; Seconded (Najac); All in favor;  
Motion carried.

Mr. deRoziere: Please present your application.

Joseph Pfau, Pietrzak & Pfau Engineering & Surveying, PLLC: The project as stated is 52 acre with frontage in Inwood and 211 and adjacent to Inwood Apartments – 252 units in 6 buildings. We received overlay approval from the Town Board for senior citizen complex. The area variance is building length 160 to 261 feet. Layout came out of multiple meetings with the Town Board with different layouts. One was 160 feet and 10 buildings and took up more property and Town looked at campus like layout. Aerial view of it and Inwood and are within a foot or two with them. Overall parcels we do not meet area only require those because we need to subdivide into 3 parcels for financing when go to the State. The interior lots require it. If we funded whole thing as one, it is not separate ownership – one owner, only variance would be the building length would be needed.

Mr. deRoziere: Anyone here from the Public?

Armando Colarieti, President, Hillside Village Condominium: The variance is next to ours and not seen any schematics to show close to ours. Looking at the variances 89 to 39feet – closer to our property line? We have not seen any of this.

Mr. deRoziere: If this was one parcel versus 3 parcels – he would not need any setback changes/variances.

Armando Colarieti: Its for finance and is it in phases and will you build as its approved. I have been there for 30 years and thought it to be phase II which - was this property and then the condos did not sell and it was vacant for 30 years – they are proposing to build in stages. Will you build and fill it and then move on to next ?

Jonah Mandelbaum, Owner: These are rentals and are not for sale. It depends on the budget for the financing – bonds with tax, HI funds – there are many every year. They can't give you all the money at one time and is why it is in phases. Just to let you know if empty or not – between the 2 we have 1200 applicants and could fill the whole project in one day but not the financing in one day, even if go for bond its too much.

Mr. Biondollilo: After you get the first one do you have to wait a year for a second bond?

J. Mandelbaum: I have 2 in Town of Thompson now, they do have it this year but we may not do it this year. The land sits there and will not sit there for 10 years. We are in different market and in an affordable market.

Public 2: Clear 3 acres for example put up building and then clear another 3 acres or do the first phase and leave it.

Mr. deRoziere: That is the Planning Board and priorities set by them.

Public 2: We don't want it devaluing our property and prices have dropped over the years and it's best for beautification and keeping it up. Seniors 55 and up and low income.

J. Mandelbaum: \$30,000 is medium income, 40 and 60 – it is not Section 8.

Armando Colarieti: We could have low income living there?

J. Mandelbaum: At 65 (years) and receive social security – I qualify age wise.

Mr. deRoziere: Did he answer your question?

Armando Colarieti: Yes, a lot will not apply.

Joseph Pfau: Individual property lines break the property up so we have 2 on each lot. We need variance between the 2 buildings. If we took away that we are well beyond that.

Public 2: The variance is between buildings?

Joseph Pfau: No, if we create property line interior we do.

Armando Colarieti: Access is off Inwood.

Public 2: What about the retaining pond.

J. Mandelbaum: They are paper lines. Also its about the clearing of the trees, it depends how State of NY SEQRA regarding bats for Phase I – if we have approval to clear at one time we will. If we do we will make it clear and smooth.

Mr. deRoziere: The Town asked they position buildings in these area and make them longer. If not for financing they would not be here. The stipulation with financing is why they are here.

We have a letter from Eric Valentin who supports this and it meets the goals of the Town of Wallkill.

Armando Colarieti: No one has approached us with the proposal until it was surveyed.

Mr. Biondollilo: Did your complex own this?

Armando Colarieti: In 1987 the property owners owed ours and this and that would have been Phase II and in 1989 and 1990 that died and not developed since. If we could have bought it we would have. I was concerned about set back along our property line and ingress/egress and not going through our property. Originally when develop Phase II there was roadway that goes onto that property.

Mr. deRoziere: I know you discussed with Town Board did you go to PB?

Joseph Pfau: The Town Board sent us here.

J. Furst, Esq.: You can bring those things at the Planning Board and they do calculations.

Armando Colarieti: We have a retention pond for water run off not sure where it is on their site plan.

Joseph Pfau: Not tied to you pond at all.

J. Mandelbaum: When the Planning Board has a design we can meet with him and answer your questions engineering-wise.

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

Mr. deRoziere: Any comments from the Board?

Ms Najac: One is safety – reason building length shorter for emergency purposes or part of the reason?

Joseph Pfau: The law is the way it is?

J. Furst, Esq.: Aesthetics – less of impact.

Joseph Pfau: No a code violation.

J. Mandelbaum: It is fully sprinklered.

Ms Najac: We don't want death trap for old people.

Joseph Pfau: We have entrance/exits plenty of those.

Mr. deRoziere: Some codes address that number others do not. Across the street the buildings are similar length.

Mr. deRoziere: If you build 10 of smaller ones and if you go with this – what if they were smaller – to balance what you get in return.

J. Mandelbaum: A lot of it was not cutting so many trees and so much stuff and if you look here – post of property stays wooded and take some as a park and happy to donate it. That was one concern and concentrate it and fits what is in the area. Create island pavilion with sitting area. It is 3 stories or 35 feet.

Mr. deRoziere: Letter from Eric Valentin, Town Supervisor

*November 8, 2017*

*RE: Application if Warwick Properties, Inc., / Deerfield Commons*

*Dear Chairman deRoziere:*

*This letter is written in support of the application of Warwick Properties, Inc./Deerfield Commons which is currently pending before the Zoning Board of Appeals for variances required in connection with a proposed senior development located at Foster Road and NYS Rt 211 (Tax Map #'s 44-1-25.1, 25.2, 42.2 and 43).*

*Prior to making application to your Board, the applicant petitioned the Town Board for a zoning change to designate the subject property as an R-AH Floating Zone. During the petition process, the applicant presented sample drawings to the Town Board and comments were discussed at work sessions. In addition, both myself and Councilman Neil Meyer visited the proposed site with the project engineers. We offered some suggestions that we believed would be in the best interests of the Town and future residents of the housing complex. Those changes were accepted by the applicant and incorporated into the sample drawings prior to approval of the zoning changes.*

*Please allow this letter to serve as an endorsement of the Town Board with respect to the application for area variances being considered by your Board. The Town Board has always found the applicant to be a responsible developer that builds projects to the benefit of residents and potential residents of the Wallkill community. Feel free to contact me with any questions. Thank you.*

*Very truly yours,*

*Eric Valentin  
Town Supervisor*

*cc: Town Board, Warwick Properties, Inc.*

Mr. deRoziere: This is some background from the Town with regard to this.

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

Mr. deRoziere: I Move to close the Public Hearing at 8:20pm; Seconded (Biondollilo); All in favor; Motion carried.

Mr. deRoziere: I Move this Board views this as Unlisted Action for purposes of SEQRA; Seconded (Dunn); All in favor; Motion carried.

Mr. deRoziere: I Move this has a Negative Declaration for purposes of SEQRA; Seconded (Biondollilo); All in favor; Motion carried.

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

1) area variance – front yard set back from 50ft to 40ft;

- 2) 2 side yards from 40ft to 19ft;
- 3) one side yard from 80ft to 39ft;
- 4) 2 lot widths from 200ft to 119 ft and 124ft;
- 5) 2 lot coverage variances from 20% to 22%
- 6) 4 building lengths from 261ft to 160ft;
- 7) 2 density variances to permit desired number of units on approximately from 9.48 acres to 3.2 acres;

To subdivide the parcel of land into three separate lots for senior housing development which has already obtained approvals from the Town Board;

Seconded (Dunn).

DISCUSSION:

Mr. Biondillo: According to criteria: 1) *benefit by other means* – do not see that as problem; 2) *undesirable change* – accommodate to be more desirable to the neighborhood for seniors; 3) *substantial* – it is bigger than normal but not here if they made more buildings instead; 4) *adverse environmental effects* – do not think so; 5) *is it self-created* – it is. They meet large amount of criteria.

Ms Najac: 1) *substantial* – yes; 2) *adverse affects* – no that is not substantial if any environmental they will be mitigated through planning process; 3) *undesirable change* – no it is in theme with what exists in similar style and residential use; 4) *benefit by other means and self created* – this is not self created: viable use and viable property and the two collaborating and state funding came along and asked you to do these things and 5) *benefits by other means* – it can't be achieved by other means. This is an excellent example how create things to be addressed.

Ms Schultz: The developer has history in the town that I am aware of and has been thought out and the Town Board.

Ms Vavricka: Agree with Ms Najac – you would not be here if you were doing 10 buildings and here because making it a better project, look nicer and fewer buildings.

Mr. deRoziere: I also thought about the fact it may not be self-created because of financial situation with the State and agree with what has been stated here.

Mr. Biondillo: You mentioned existing property behind yours and you try to work with Town and not build on it?

J. Mandelbaum: Yes. It is additional 50 acres and leave to Town and Planning Board to decide.

**VOTE:**

In favor (aye):           7           Biondollilo, Dunn, Najac, Schultz, Vavricka, Langley, deRoziere  
Opposed (nay):           0

**DECISION:**

Mr. deRoziere: The variances are granted, please continue with the Board and Building Department.



HEARING REVIEWS: (December 11, 2017)

303 Tower Drive:

Geoffrey MacGregor & Tom Donohue, Lamar Outdoor Advertising: We are here from Lamar Outdoor Advertising.

G. MacGregor: This is a project that ... the sign exists and we are here and request is to allow variance to allow it to stand and can't speak entirely how it was installed a few.

Doug Barthel said building inspector said it was 8 inches and told him to get variance subsequent to that, the bill board permitted to be changed to digital and one sign is for TOW for however they want to use it. Existing sign needs variance for 8 inches. This was already to have been done – was to be done a few months back and taxes were owed to TOW and waited for that to be satisfied and Mr. Mills paid and then we could then continue.

Mr. deRoziere: From 35 ft to 10ft to property line?

G. MacGregor: Yes. We are in his stead.

Mr. deRoziere: 2.5 feet?

Ms Najac: You are not planning on moving it?

T. Donohue: No, when it was built it was built to handle digital.

Mr. deRoziere: This needs to say 7.4ft. They do have an existing variance for the 2.6ft.

J. Furst, Esq.: This is Type II so does not need Neg Dec and State has 20 actions the State you don't have to environmental review as these are exempt so you have set back – commercial or residential is Type II exempt.

Mr. deRoziere: I Move to hold a Public Hearing on December 11, 2017 at 7:30 PM or as soon thereafter as the matter can be heard; Seconded (Najac); All in favor; Motion carried.

Mr. deRoziere: It is necessary to notify everyone within 500 feet of your property. You can obtain the list of names from the Town Assessor's Office after you receive a call. The notice of the Public Hearing will be in the Times Herald Record Public Notice Section one week from this evening. 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, registered mail, or provide proof of certified mailing from the US Postal Service. Bring your proof of mailings with

you to your Public Hearing. The Public Hearing will not be opened without your proof of mailings.

Mr. deRoziere: The Zoning Office will be able to assist you with what you need.

D. Anderson

A. LaPut, Fellenzer Engineering: I am here tonight with the applicant and presented to the Planning Board (PB) a site plan with this rendering of improvements we would like to do for site 433 Rt 211 West. Now if look at it you would not see fencing or landscaping. Auto repair business and this shows improvements with large buffer from Rt 211 and storage 50 feet and is HC, a fence for screening cars in back now in plain view. Improvements is awning across existing building and this part is existing non-conforming at 23 feet from property line and extend roof line and cars on site – also feel is existing non conforming condition. It has been motor vehicle since 1928 – a gas station, auto and Patton and he bought from Skipp.

Two variance for the awning which is continuation of existing building line and not increase non-conformance and go to the definition of building/bulk and the zoning code talks about size/shape of bulding use and physical exterior walls and relation to plot lines and structure. It is just a roof line and is not a building. For bulk requirements not count for set backs not having walls.

D. Anderson: It is flat roof now and level difference of a foot and George Patton put on in 1970's. the rendering looks like it is different level. Not another hang on. To have straight roof cape cod would need a pier to support weight so looks like a complete roof.

Mr. Biondollilo: What is upstairs?

D. Anderson: No, flat roof.

Mr. Biondollilo: How long have you owned it?

D. Anderson: Owned since 2001. The other building is storage for tow trucks – get rid of everything in front and push back and building can't do repairs and put them inside and not an eye soar.

Mr. deRoziere: That is the big picture what you want to do. Couple of things to review before more detail.

You have 3 parcels that encompass what you want to do and own one (showed which one), where are other 2?

D. Anderson: Behind – it is leased to me.

Mr. deRoziere: One issue is pre-existing non-conforming works for your property not the other which is vacant land and has to be addressed. Anything you are doing if set backs you don't meet or what other variances or are doing they apply to those 2 parcels.

A. LaPut: These 2 parcels are used.

D. Anderson: Skip owned it.

Mr. deRoziere; No grandfathering of it for purposes of request.

J. Furst, Esq.: Store from 8 to 10 cars.

Mr. deRoziere: Primary use?

D. Anderson: Repair and towing.

Mr. deRoziere: Towing – Code does not address towing. It is understood in auto repair that there could be towing involved as normal with dealer.

D. Anderson: Like gas stations.

Mr. deRoziere: It could be secondary use. Towing cars for what purpose?

D. Anderson: For police – we tow them for police agencies.

Mr. deRoziere: If storing in impound different from towing to repair. Same problem with Tommy's Garage and it was previously. Same problem looking for use and impounding and storage of cars. That has to be addressed on your application. You need a use variance to have location to impound the cars. He will store cars on rental property.

Mr. Biondollilo: Who owns far left long rectangle?

D. Anderson: Leasing both.

Mr. Biondollilo: It is separate property?

D. Anderson: Yes.

Mr. deRoziere: You have a lot of cars and they are there for along time, do you own? Are they operational?

D. Anderson: Yes, some are impound and when impound or property owner – police have nothing to do with it. I do paperwork and it takes 3 months, if we tow it we can't junk it and do lean notices and could take 3-6 months to get rid of vehicle.

Mr. Biondollilo: I assume they are behind a fence.

D. Anderson: This is all going to be fenced (drawing), in front (here) where tow trucks/cars are – nothing and up to house that was foreclosed – want fence further back for lawn and landscaping.

Mr. Biondollilo: You do that expense?

D. Anderson: I will do it.

Ms Vavricka: You have them there now – you want to spread them out?

D. Anderson: I don't want it to be an eye soar.

Ms Vavricka: What is boarding you?

D. Anderson: Water treatment and horse farm.

A. LaPut: Cleared and no vehicles they are toward the front of Rt 211 and grass area.

D. Anderson: There are 2 or 3 houses whose yards go further back and up Pilgrims Corner.

Mr. Langley: Front triangle on the right?

D. Anderson: This is the building – shop.

Mr. Langley: On drawing it looked more open. On one the whole corner looks open but building is there.

Mr. Biondollilo: How many bays?

D. Anderson: There are 4. There will be 2 overhead for the trucks.

Mr. deRoziere: I see you working on vehicles all the time, with PB you said you have 6 technicians – that is concern I have. I think from my experience your building for auto repair is too small for amount of work you are doing. You can't work outside because it is a code violation.

D. Anderson: On side on existing building where cars are parked now, I want to have overhang. Instead...we do tire changes in front of building and why we have a fence. If customer comes in bring it through the gate or if simple tire change do under hang.

Mr. deRoziere: Your bays seem to always be full and multiple cars. Concern is you work in cars outside and not doing anything to expand auto repair part and awning would not necessarily be compliant with Code to work for cars outside. You understand my concern. You are doing things to accommodate towing and why asked principal building.

A. LaPut: Auto repair / service with towing being accessory is before the PB.

Mr. deRoziere: We need to address variances you need.

D. Anderson: Takes time, want to clean it up.

Mr. deRoziere: We will have a Public Hearing and based on comments – you want to improve it and people like to see that and want to be sure it is done right way and we need to do our job for use or area and you have additional work to do.

J. Furst, Esq.: The variance is for towing?

A. LaPut: No repairing.

J. Furst, Esq.: You have another 85 cars? You are impounding cars as well?

D. Anderson: Small percentage. You only have a couple of those at a time and in a month a handful.

Ms Vavrica: You said you were towing a lot of cars and impounding for police. Sounds like you don't have enough room to work on the cars.

D. Anderson: I tow, you may have the money, you may want to think about it and make take 3 day to look at the car and sit there a week before work on it.

J. Furst, Esq.: Is that normal for garages to have that much space?

Ms Vavricka: You want to spread them out over the land – area for new building for tow trucks behind there and nothing there now.

D. Anderson: Trucks are sitting out in the weather.

Ms Najac: The blocks on drawing are where cars are.

J. Furst, Esq.: out of 85 only 10% are impound and balance are repairs.

D. Anderson: They could be damaged wrecked.

Ms Najac: Based on impounding and repairs it easy to get 85 cars.

D. Anderson: We have to hold on to them because waiting for payment.

Ms Vavricka: You have 85 cars now near the building. You are doing it beause you don't have building yet?

Mr. Langley: You don't park any cars? Some of it is how you are doing it. It's a little different.

D. Anderson: If car does not have collision and is going back and forth with owners and take them to Brim once get authorization.

Mr. deRoziere: How old is oldest car at the shop time wise?

D. Anderson: A couple of them 12 months.

Ms Vavricka: Why?

D. Anderson: Motor and other rear end and financial with the people. We may have small percentage if have them that long.

Ms Vavricka: Is he in compliance now with what he is doing.

J. Furst, Esq.: For storing 85 cars, no certainly.

D. Anderson: Handful on other property for ever.

Mr. deRoziere: Some reason you have property collective property longer than a few weeks is business decision. We also have definition for motor vehicle junk yards and junk yards and clear what constitutes junk vehicle. I want to make sure you are not violating another code.

D. Anderson: Sometime towing because no license plate.

J. Furst, Esq.: specify dismantling its really the storage of used or discarded vehicles with or without dismantling is considered a junk yard.

A. LaPut: How differentiate?

Mr. deRoziere: We want to understand also and part of our responsibility. Not everything is covered under the Code and some times it is specific. If you are doing something that is not allowed we need to consider if you need a variance.

Your business covers a lot of different aspects of the Code. You don't want to go through a project and find out you did not cover all the variances you need.

J. Furst, Esq.: Did you look at outside storage of vehicles – the boxes have to be 10+ feet from the property line. 4 feet between.

A. LaPut: Want to make case the property has always been used that way.

Mr. deRoziere: Only make case for property Mr. Anderson owns.

J. Furst, Esq.: Not sure how back portion is grandfathered. They are here for variance from 10 to 80.

Mr. deRoziere: It is substantial also. Like vacant lot on Derby Road.

A. LaPut: Site plan approval from 2014 when Town abandoned from R. Gurtin, Esq.'s office. Town withdrew without prejudice.

Mr. deRoziere: The blocks on the side?

D. Anderson: No parking. Always used part of Richard's property. If you look at it now you see what I am clearing and Town said I moved more than an acre. Dirt lot always used.

Mr. deRoziere: You wanted to expand and needed a site plan.

D. Anderson: I wanted to clean up the mess and why we are here.

Mr. deRoziere: You have given information, the litigation occurred about the blocks.

D. Anderson: His driveway was out county 78 and ended – put down blocks and marked the line and he put up fence and got violation and it was dropped when Al was helping me. Then Walter Barrett tried to give violation for the cars and went back and forth and it was resolved.

A. LaPut: PB Minutes said 10 cars approved.

Mr. deRoziere: If want to store more than 10 cars – it is only property that would be grandfathered in any way – other two is all new and comply all the way around with that. clear for me and for this board.

Ms Najac: It is because he does not own it?

Mr. deRoziere: Under existing lots in the Town Code – if owned by same owner before 1961 you could do it, but changed ownership and no buildings – they are vacant – comply with zoning on both lots.

Ms Najac: Even if he owned it...you are paying rent.

J. Furst, Esq.: Not in 2005.

A. LaPut: Patton owned both and sold to Skip.

Mr. deRoziere: We need proof from tax and properties purchased at different times and vacant lot which is key.

Ms Najac: If all 3 lots owned by Richard and he had been renting tiny lot and one owns now, and still using other 2 lots – would he be grandfathered in for the use.

Mr. deRoziere: He could combine all the lots but that scenario does not exist.

Ms Najac: Renting something for a use is not grandfathered. Other 2 lots are for uses granted.



J. Furst, Esq.: He need now to expand. This is what they were talking about in 2005 and 3 lots – this is point where talked about grandfathered.

D. Anderson: We had that many cars at that time. Al was wrong with the cars. Not ceased since 1940.

J. Furst, Esq.: Do you have photos you have been using the whole back property.

Mr. deRoziere; Noting in back when you bought it. Skip did not have anything there over the weekends.

D. Anderson: George Patton was busy.

Mr. deRoziere: Only go with what we have here.

D. Anderson: I want to clean it up or leave it the way it is.

J. Furst, Esq.: I agree with the awning and setbacks are for buildings not structures so not need awning variance.

D. Anderson: This is like 8 feet. This is piece George build before.

J. Furst, Esq.: It does not have exterior walls.

Mr. deRoziere: We go back and forth on these and want to be consistentant.

J. Furst, Esq.: 249-9(c ) addresses awning which is extension of building.

Mr. deRoziere: How far do you go with awning – 5ft, 20ft or 50ft. that is what I look at. If you have awning over window 6 feet or cover patio with 20 foot roof. Still address vehicles outside and need more bays for automotive work.

A. LaPut: Taking this out of the front they would not be working.

Mr. deRoziere: Its repair of vehicles.

D. Anderson: Tire changes up front and why want awning in back.

Mr. deRoziere: Cars on stanchions for weeks at a time and working on them outside and you are not addressing that.

Mr. deRoziere: Motor vehicle junk yard more than 2 weeks constitutes a junk yard.

D. Anderson: 2014 Honda waiting for part for several weeks.

Mr. deRoziere: What is realistic as well has to be looked at – reality. One reason why we are here. You are not only one with that problem or experiences that.

Based on all that has been discussed I do not know if we have enough for the public hearing notice. If we wait another month and look into this, if you come back to continue the review?

D. Anderson: We will wait till January for another discussion and then set a Public Hearing.

A. LaPut: Owning the parcels and how it affects this.

J. Furst, Esq.: Does the Board need anything between now and January. May need to contact the engineer.

D. Anderson: Where the peak is a little higher with an awning.

J. Furst, Esq.: Only one in front need setback variance.

D. Anderson: The PB told us to get a variance.

J. Furst, Esq.: 30 feet is pre-existing and it is not going past front of the building.

Mr. deRoziere: That still constitutes working in front.

D. Anderson: Instead of on the side add another bay? Not get any closer. We would get closer.

Mr. Biondollilo: It would end up how many bays?

A. LaPut: It could be 2 bays.

Mr. deRoziere: Try to address that.

Ms Vavricka: On side you are doing work outside on the side and reason for awning is to cover that up. He is saying why not put in bay and not do the work outside.

Mr. Langley: The neighbors will have comments and if we can solve ahead of time.

Ms Vavricka: Neighbors may have concern about expanding the building.

Mr. deRoziere: When Tommy's was in front of us – towing and impounding it is not normal thing dealer does.

D. Anderson: Leo Maples or Glosters or Martini's.

Mr. deRoziere: Tommy had to come in.

D. Anderson: IT was vacant for over a year.

Mr. deRoziere: You have same issue with vacant land. It had to do with what is normally – dealer does as far as auto dealer does with repair and storing is different. Limit of how many could be stored, sold, held, location behind the building.

J. Furst, Esq.: Where park will it be gravel?

D. Anderson: Only tow a few 'leakers' and put drain pans under it. The whole front black top and past the building and then gravel.

Mr. Biondollilo: No work behind it?

D. Anderson: Parking the cars back there.

Mr. Biondollilo: Is it lighted at night?

D. Anderson: 3 poles with dawn to dusk lighting.

Mr. deRoziere: Give us time to go through this and will reach you as far as definition of uses, etc which you will need to address gives you time to address and contact you with follow up questions.

J. Furst, Esq.: If you decide to do the extra bay – let us know as well please.

MEETING CLOSE:

Mr. deRoziere: There being no further items to be discussed, I Move to close the Public Hearing at 9:42 pm; Seconded (All in favor); Motion carried.

TSB:jcd/7135

TOWN OF WALLKILL  
ZONING BOARD OF APPEALS  
DECISION SHEET

November 13, 2017

CN Direct Construction, Inc.  
(Elizabeth & Patricia Jones)

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

1. Lot area from 3.0 acres to 1.84 acres;
2. Lot depth from 300ft to 222ft;

For construction of a single-family home on an existing non-conforming lot.

Property located at 165 Derby Road  
(SEC 21 BL 1 LOT 46)

Designated RA

DECISION: Applicant withdrew their application to the Zoning Board of Appeals.

GNS Group, Ltd.  
(Dunkin Donuts /  
Crystal Run Crossing):

Request for a variance of 249-11.0(2)(a) (sign area) and 249-11.0(2)(b)[1]:

- 1) Wall signage from 50 SF to total 100 SF;
- 2) Additional 3 SF of free-standing signage in addition to previously approved variance to permit 211 SF from 75 SF of free standing signage.

Property located at Two Ben Gillman Way /  
7-31 Crystal Run Road  
(SEC 78 BL 1 LOT 80.61)

Designated OR

DECISION: Variances granted

Mt. Carmel:  
Missionary Society of  
Our Lady of Mt Carmel)

Request for an area variance (249-8 a(5):

1) Front yard set back from 50ft to 30ft;

For a retirement residence for clergy as part of existing church/religious institution.

Property located at 82-90-100 Euclid Avenue / 205 Wawayanda Avenue

(SEC 69 BL 1 LOT 18)

Designated R1

DECISION: Variance granted

DEERFIELD COMMONS

Request for a variance of 249-24:

1) Front yard from 50ft to 40ft;

2) 2 side yards from 40ft to 19ft;

3) One side yard from 39ft to 80ft;

4) 2 lot width from 119ft to 200ft;

From 124ft to 200ft;

5) 2 lot coverages from 20% to 22%;

6) 4 building length variance from 160 ft to 261ft;

7) 2 density variances to permit desired number of units on approximately 3.2 acres when Code requires lot sizes of 9.48 acres.

For subdivision of parcel of land into 3 separate lots as part of senior housing development.

Property located at NY State Rt 211 East and Inwood Road (SEC 44 BL 1 LOT 42.2 and 25.2)

Designated R1

DECISION: Variances granted

Linden Development:

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

1. Side yard from 100ft to 80.4ft;
2. Width from 200ft to 135ft;
3. Lot frontage from 200ft to 115ft;
4. Area from 2.0 acres to 1.87 acres;

For construction of a single-family home.

Property located at 172 Derby Road

(SEC 21 BL 1 LOT 38.2)

Designated RA

DECISION: Continued to December.

280 Rt 211 East  
(O&B Realty Corp):

Request for a variance of 249 (Sign):

- 1) Electronic message center on an existing sign;

Property located at 280 Rt 211 East

(SEC 50 BL 2 LOT 32.12)

Designated HC

DECISION: Public Hearing to be rescheduled.