

Zoning Board Application

APPEAL # Z-2021-001

1	Application Date	12-28-20
2	Applicant(s) Name	SZILARD DIBBLE
3	Address	61 ANTHONY ST, MIDDLETOWN, NY 10940
4	Phone Number	914-443-3485
5	Email Address	SZI.SYSTEM.INFO@GMAIL.COM
6	Property Owners Name	SZILARD DIBBLE
7	Property Address	58 ANTHONY ST, MIDDLETOWN, NY 10940
8	Phone Number	914-443-3485
9	Email Address	SZI.SYSTEM.INFO@GMAIL.COM
10	Date owner acquired the property	JULY 30, 2019
11	Tax Map Location (Section-Block-Lot)	75-12-22
12	Street Address	58 ANTHONY ST, MIDDLETOWN, NY 10940
13	Zoning District (circle one)	RA / RA-1 <u>(R1)</u> R2/ R-AH/ RM-B/ NC/ TC/ OR/ HC/ ENT-L/ ENT
14	Lot Size and Acreage	18,750 Sq Ft - 0.430 Acres
15	Soil Type described in Town Code	GROUP IV
16	Application fee	(Check or Cash) Amount-\$ <u>550.00</u>

Referral - 1500'

Contact - Susan Plass - 313-7994 or
914 443 4421

Middletown CSD

Appeal Request:

Any Appeal is made or requested by the applicant for the following:

- Interpretation of the Zoning Law
- Commercial Variance
- Use Variance
- Sign Variance
- Area Variance
- Residential (Decks, Shed, Pool, Addition, Accessory bldg. /structure) (New Structure)
- Accessory building larger than 28ft x 28ft

Other:

Front Side Rear / Yard setback from 20 to 9 Section 249-22-D-1

BOTH Front Side Rear / Yard setback from 40 to 19 Section 249-22-D-1

LOT WIDTH Front / Side / Rear / Yard setback from 100 to 75 Section 249-22-D-1

LOT FRONTAGE Front / Side / Rear / Yard setback from 100 to 75 Section 249-22-D-1

Lot area from 18,750 SF to 9,375 SF Section 249-22-D-1

State reason and purpose for Request:

Applicant is seeking to subdivide this parcel into two building lots. Two-family dwellings are being proposed for each lot.

The proposed area for each lot is reasonable in regards to the sizes of surrounding lots.

The proposed two-family dwellings are consistent with the neighborhood.

Applicant must print and submit Environmental Assessment Form. This form must be filled out by going to the following link and following the steps given: www.dec.ny.gov/eafmapper

Has this proposal appeared before the Planning Board? YES NO

Property taxes up to date with the Town of Wallkill? YES NO

Property owner must have their signature notarized on this application:

Owners Signature: [Signature]

Notary Public: [Signature]

Sworn to before me this date: 12/31/20

State of New York
County of Orange

Applicant same as owner

Building Inspector signature: [Signature]

Date: 1/5/2020

BREEAUNNA SHANICE RODRIGUEZ
Notary Public - State of New York
NO. 01RO6391665
Qualified in Orange County
My Commission Expires May 13, 2023

APPLICANT DISCLOSURE FORM – ORANGE COUNTY, NY REVIEW UNDER SECTION 239-M OF GENERAL MUNICIPAL LAW

The following is information relative to the below named project which is presently pending before the Town (City/Town/Village) of Walkill (Planning/Zoning/City/Town/Village) Zoning Board.

Title of Project: Dibble Subdivision

Municipality: Town/Village/City of Walkill
(underline one of above)

Nature of Owner or Owners (LLC, Corporation, Partnership, Joint Venture, natural person, professional corporation or other type of business entity or combination of the above):

Individual Owner - Szilard Dibble

The names of the Members, Officers, Shareholders, Directors, Beneficial Owners owning at least five percent of the Stock or Membership or Partnership Interest or Beneficial interest in the project are:

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
SZILARD DIBBLE			
Name of Action or Project: DIBBLE SUBDIVISION			
Project Location (describe, and attach a location map): 58 ANTHONY STREET, MIDDLETOWN, NY - SEE ATTACHED TAX MAP			
Brief Description of Proposed Action: CURRENT PARCEL IS 150' x 125', 18,750 SQ FT, LOCATED AT 58 ANTHONY STREET, TAX PARCEL 75-12-22. THE PROPOSED PROJECT IS TO CREATE TWO PARCELS, EACH BEING 75' x 125', 9,375 SQ FT, WITH A TWO FAMILY DWELLING LOCATED ON EACH LOT. EACH PARCEL WILL BE SERVICED BY MUNICIPAL WATER AND SEWER. OFF STREET PARKING WILL BE PROVIDED FOR ALL UNITS. EACH UNIT WILL CONTAIN APPROXIMATELY 1900 SQ FT OF LIVABLE AREA AND A TWO CAR GARAGE.			
Name of Applicant or Sponsor: SZILARD DIBBLE		Telephone: 914-443-3485	
		E-Mail: SZI.SYSTEM.INFO@GMAIL.COM	
Address: 61 ANTHONY STREET			
City/PO: MIDDLETOWN		State: NY	Zip Code: 10940
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.430 acres	
b. Total acreage to be physically disturbed?		0.210 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.430 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline Forest Agricultural/grasslands Early mid-successional

Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Is the project site located in the 100-year flood plan?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

17. Will the proposed action create storm water discharge, either from point or non-point sources?
If Yes,

a. Will storm water discharges flow to adjacent properties?

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

If Yes, briefly describe:

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?
If Yes, explain the purpose and size of the impoundment:

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
If Yes, describe:

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

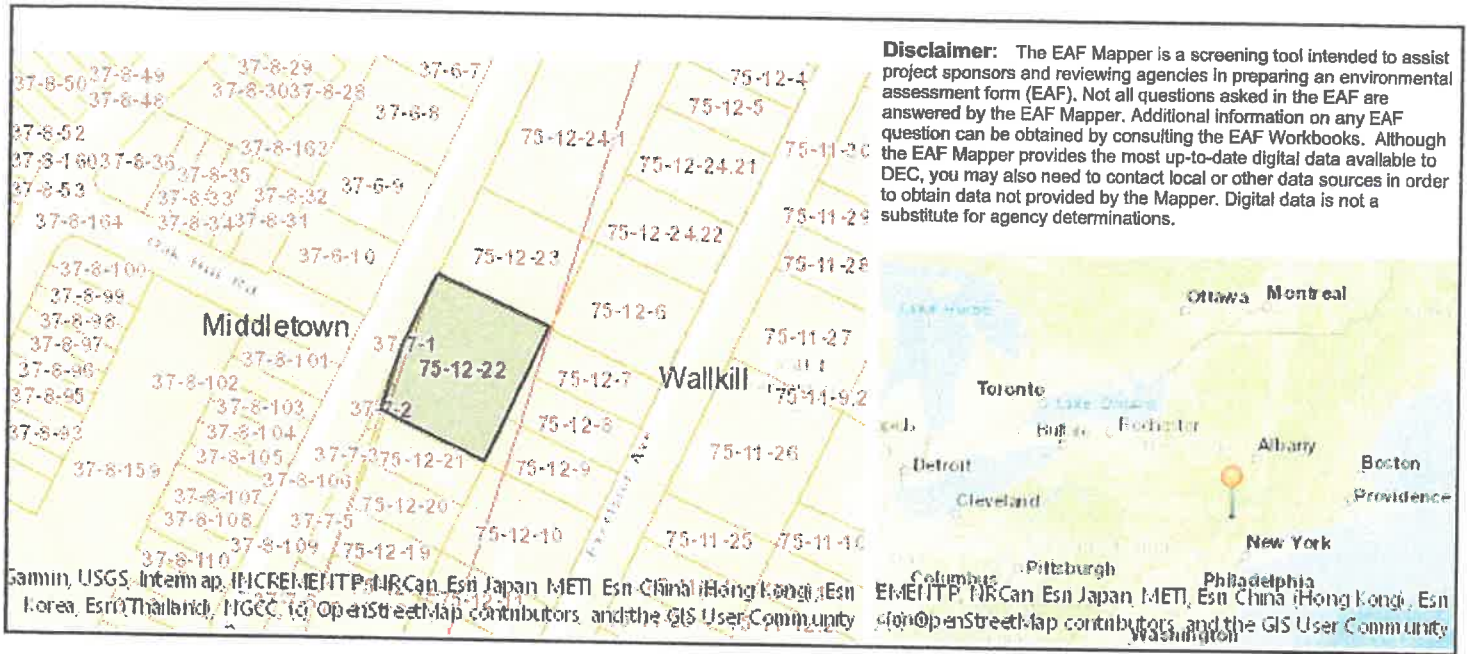
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe:

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

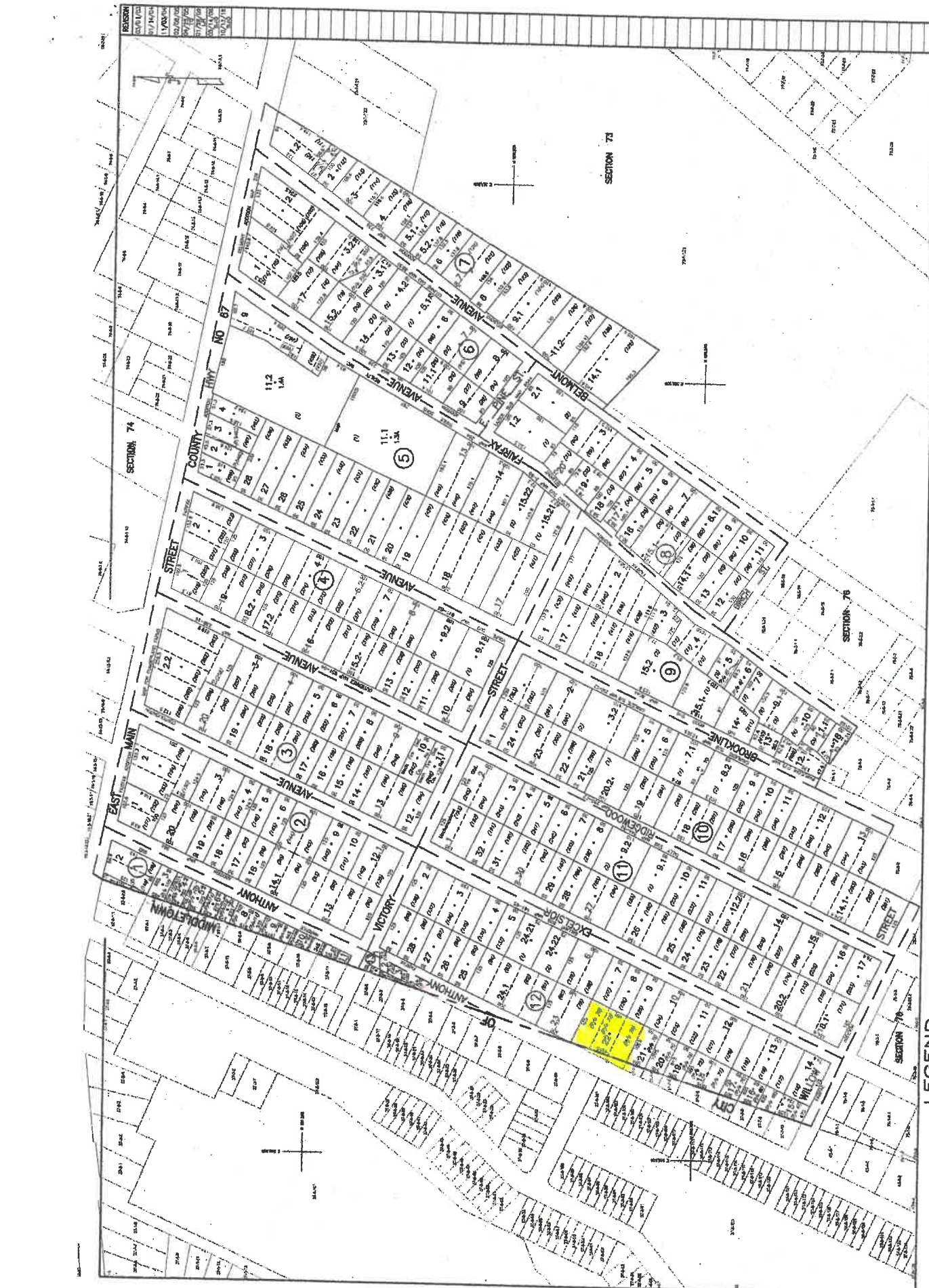
Applicant/sponsor/name: SZILARD DIBBLE Date: AUGUST 4, 2020

Signature:  Title: OWNER



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

- Part 1 / Question 7 [Critical Environmental Area] No
- Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No
- Part 1 / Question 12b [Archeological Sites] No
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
- Part 1 / Question 15 [Threatened or Endangered Animal] No
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] No



ORANGE COUNTY - NEW YORK

DEPARTMENT OF TAXATION AND FINANCE

STATE OF NEW YORK

LEGEND

ROAD PLAT LOT LINE	1/4 SECTION	1/4 SECTION	1/4 SECTION	1/4 SECTION
SECTION LINE	SECTION LINE	SECTION LINE	SECTION LINE	SECTION LINE
PROPERTY LINE	PROPERTY LINE	PROPERTY LINE	PROPERTY LINE	PROPERTY LINE
...

335200

TOWN OF WALKILL

Scale 1" = 100'

Section No. 76

ADJOINING REFERENCE

1988

**TOWN OF WALLKILL
PLANNING BOARD**

**PB File No 2020-056
Tax Lot 75-12-22**

Amended Referral to ZBA

WHEREAS, an application (“Application”) has been made to the Town of Wallkill Planning Board by Szilard Dibble (“Applicant”) seeking to subdivide into two (2) residential lots the premises located at 58 Anthony Street, which is identified on the Town’s Tax Maps as Lot 22 in Block 12 of Section 75 (hereinafter referred to as the “Site”), and to obtain a special use permit and site plan approval to construct a two-family residential dwelling on each of the two newly created lots; and

WHEREAS, the site plan submitted by the Applicant indicates that the proposed subdivision and development of the lots as proposed thereon will result in certain elements that do not conform to the requirements of the applicable Bulk Table; and

WHEREAS, in order for the Planning Board to grant approval of the subdivision, site plan and special use permit for the proposed subdivision and residential development, the Applicant will need to obtain from the Zoning Board of Appeals certain area variances, as follows:

**BULK REGULATIONS
R – 1 ~ MEDIUM DENSITY RESIDENTIAL DISTRICT**

<u>Minimum</u>	<u>Required</u>	<u>Lot 1 – Provided</u>	<u>Lot 2 – Provided</u>
Lot Area	18,750 Sq Ft	9,375 Sq Ft *	9,375 Sq Ft *
Lot Width	100 Feet	75 Feet *	75 Feet *
Lot Depth	125 Feet	125 Feet	125 Feet
Front Yard	35 Feet	35 Feet	35 Feet
Rear Yard	30 Feet	30 Feet	30 Feet
One Side Yard	20 Feet	9 Feet *	9 Feet *
Both Side Yards	40 Feet	19 Feet *	19 Feet *
Lot Frontage	100 Feet	75 Feet *	75 Feet*
Floor Area	600 Sq Ft	3,808 Sq Ft	3,808 Sq Ft
<u>Maximin</u>	<u>Permitted</u>	<u>Lot 1 – Provided</u>	<u>Lot 2 – Provided</u>
Lot Coverage	35 %	33.8 %	33.8 %
Building Height	35 Feet	29.5 Feet	29.5 Feet

*Variances Requested

and

and

WHEREAS, the Planning Board has not taken any action under SEQRA with respect to this matter, and, therefore, the Applicant's Application before the Planning Board is not deemed complete, so none of the time constraints imposed on the Planning Board's processing of the Application are running; and

WHEREAS, applicable law permits the Planning Board to refer a matter to the ZBA for action, and the Applicant has requested such a referral from the Planning Board,

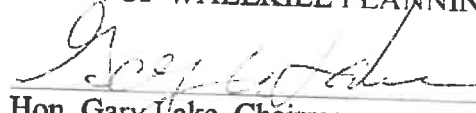
NOW, THEREFORE, BE IT RESOLVED

1. That the within matter is hereby referred by the Planning Board to the ZBA for consideration of the aforementioned variances.
2. Based on its limited review of the matter, the Planning Board recommends the ZBA grant the requested variances, subject to such restrictions and conditions as the ZBA may deem necessary, reasonable and/or advisable. The Planning Board believes development of the Site, as proposed, is consistent with the pattern of development in the relevant surrounding area and results in the efficient use of land. The within recommendation is not binding on the ZBA, and it is expected the ZBA will make its own independent determination with respect to granting or denying the variances.
3. That the within referral does not relieve the Applicant from compliance with any procedural requirements in making an application to the ZBA for variances, including the payment of any fees and/or escrow impounds due the ZBA by reason of such an application to the ZBA.
4. That the within referral does not relieve the ZBA from compliance with any applicable provision of law, including compliance with the SEQRA.
5. In the event the ZBA grants the Applicant any of the variances requested, the Applicant still needs to secure from the Planning Board any applicable planning board approvals.
6. In the event the Applicant does not make application to the ZBA for the aforementioned variances within ninety (90) days of the date hereof, then the within referral is null and void.

On a motion by **A Guattery**, seconded by **D Dulgarian**, and carried by a vote of **6 Ayes**,
0 Nays, that the Town of Wallkill Planning Board hereby refers the within matter to the ZBA as
provided for herein.

Dated: **October 1, 2020**

TOWN OF WALLKILL PLANNING BOARD



Hon. Gary Lake, Chairman

The original of this resolution was filed with the Town Clerk on **October 1, 2020**
A copy of this resolution was filed with the Town Building Dept. **October 1, 2020**
A copy of this resolution was filed with the Clerk of the ZBA on **October 1, 2020**
A copy of this resolution was mailed to the applicant on **October 1, 2020**