

Zoning Board Application

APPEAL # 2-2021-003

1	Application Date	12/31/20
2	Applicant(s) Name	SB Wallkill Realty LLC
3	Address	P.O. Box 340, Laconia NY 03247
4	Phone Number	845-235-3684
5	Email Address	marios@sardinhabrands.com
6	Property Owners Name	Same
7	Property Address	711 Route 211 East, Middletown NY 10941
8	Phone Number	
9	Email Address	
10	Date owner acquired the property	October 2020
11	Tax Map Location (Section-Block-Lot)	41-1-20
12	Street Address	711 Route 211 East
13	Zoning District (circle one)	RA / RA-1/ R1/ R2/ R-AH/ RM-B/ NC/ TC/ OR/ <u>HC</u> ENT-L/ ENT
14	Lot Size and Acreage	1.05
15	Soil Type described in Town Code	Ab
16	Application fee	(Check or Cash) Amount-\$ <u>825</u>

HC

Referral - 1500'

Ross Winglantz - Contact - 845-656-8966  
Goshen School District

**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: To permit 35 parking spaces where 53 are required by code.

Front / Side / Rear / Yard setback from \_\_\_\_\_ to \_\_\_\_\_ Section \_\_\_\_\_

Front / Side / Rear / Yard setback from \_\_\_\_\_ to \_\_\_\_\_ Section \_\_\_\_\_

Front / Side / Rear / Yard setback from \_\_\_\_\_ to \_\_\_\_\_ Section \_\_\_\_\_

Front / Side / Rear / Yard setback from \_\_\_\_\_ to \_\_\_\_\_ Section \_\_\_\_\_

Lot area from \_\_\_\_\_ to \_\_\_\_\_ Section \_\_\_\_\_

**State reason and purpose for Request:**

Parking is not needed. Critical site operational issue is drive thru queue. The variance will allow the applicant to construct a dual drive thru which will reduce the queue and improve site operation and traffic safety.

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](http://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: 12/14/2020

Applicant same as owner

State of New York  
County of Orange

See attached referral  
Building Inspector signature: [Signature]

Date: 1/28/2021

MARY CATHERINE WELCH  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01WE6334650  
Qualified in Orange County  
My Commission Expires 12-21-2023

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 \_\_\_\_\_  
(City/Town/Village) of WALKILL (Planning/Zoning/City/Town/Village) \_\_\_\_\_ Board.

Title of Project: Sardinha Dunkin Donuts

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):

SB Walkill Realty LLC

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:

Member/Shareholder: SBM & LLC 100%  
- SBM & LLC members: Mario C. Sardinha 50%,  
Virginio C. Sardinha 12.5%, Manuel Sardinha 12.5%,  
Fernando Sardinha 12.5%, Joao Sardinha 12.5%

# 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.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project: Sardinha - Dunkin Donuts				
Project Location (describe, and attach a location map): 711 Route 211 Town of Walkill, New York				
Brief Description of Proposed Action: Dual Drive Thru & 200 SF addition for existing Dunkin Donuts.				
Name of Applicant or Sponsor: SB Walkill Realty LLC		Telephone: 845-235-3684 E-Mail: marios@Sardinhabrands.com		
Address: PO Box 304				
City/PO: Laconia		State: New Hampshire	Zip Code: 03247	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.05 acres		
b. Total acreage to be physically disturbed?		0.33 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.05 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 checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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?		NO	YES	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____ _____		<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?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?		<input type="checkbox"/>	<input checked="" 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?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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
Indiana Bat	<input type="checkbox"/>	<input checked="" 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?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Storm water discharge will be managed with existing storm drains		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<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?	NO	YES
If Yes, describe:	<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?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

**ENGINEER**

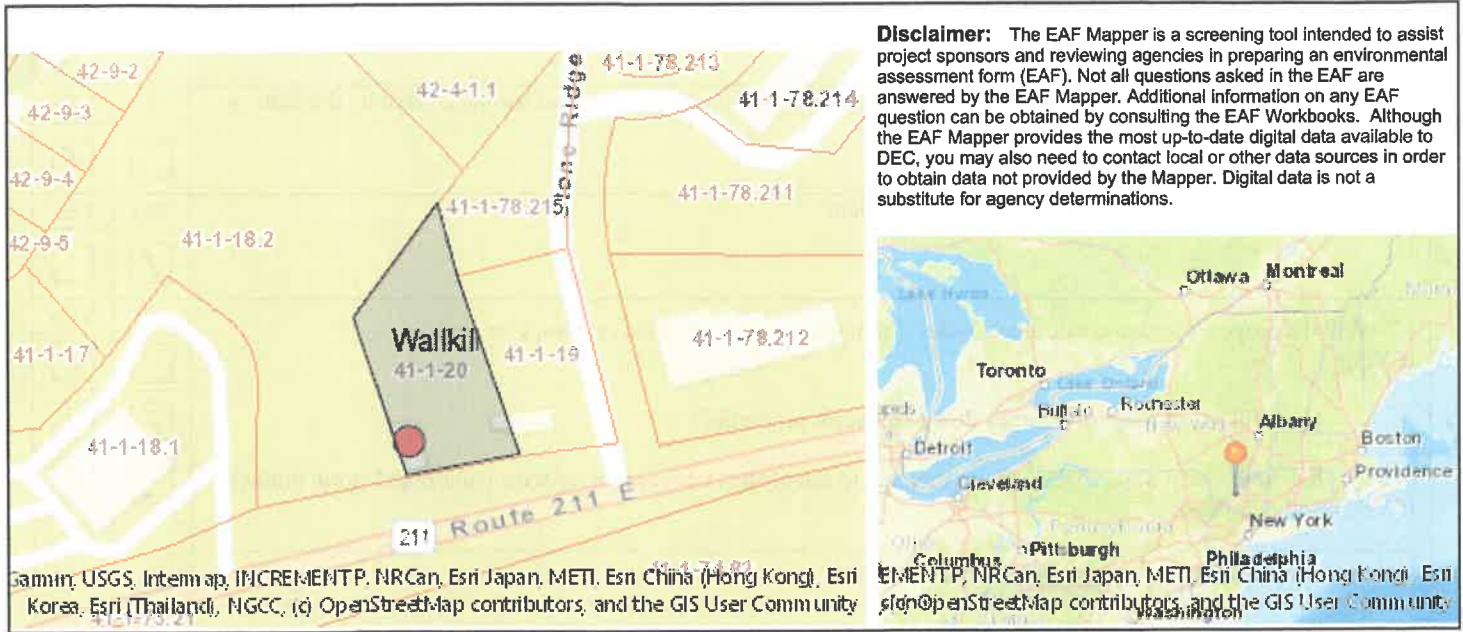
Applicant/sponsor/name: Ross Winglovitz

Date: 11/23/2020

Signature: \_\_\_\_\_



Title: P.E.



**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]	Yes
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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

**TOWN OF WALLKILL  
PLANNING BOARD**

**PB File No 2020-097  
Tax Lot 41-1-20**

**Referral to ZBA**

**WHEREAS**, an application (“Application”) has been made to the Town of Wallkill Planning Board by SB Wallkill Realty, LLC (“Applicant”) seeking to enlarge an existing fast food / eating establishment that is located at 711 NYS Route 211 East, and the parcel is identified on the Town’s Tax map as Lot 20 in Block 1 of Section 41 (hereinafter referred to as the “Site”); and

**WHEREAS**, the Applicant seeks approval from the Planning Board to modify its existing site plan, whereby it will build a 700 SF addition to the existing build, while removing a 150 SF existing walk-in cooler, for a net increase in size of the building to 2725 SF from the existing 2175 SF; in addition, the Applicant will reconfigure certain elements of the existing parking lot & drive-thru to provide for a second menu / ordering station and other enhancements to the drive-thru lane so as to increase the capacity of the drive-thru by an estimated fifty (50%) percent; and

**WHEREAS**, the overall net increase in the site of the building from 2175 SF to 2725 SF requires the Applicant to provide for an additional 11 parking spaces for an overall parking space count of 53 parking spaces, but making the referenced improvements will require the elimination of 7 of the existing parking spaces, for a overall net of 35 parking spaces when the Site is modified as proposed; and

**WHEREAS**, there are instances where the Planning Board can approve a site plan with a provision that “banks” unbuilt parking spaces for future development, if they are ultimately needed, there isn’t suitable area on the Site to “bank” any parking spaces; and

**WHEREAS**, the members of the Planning Board, based on their experiences and knowledge of the Site and the current business operations thereat, are of the opinion that the current operation doesn’t use a substantial portion of the existing 42 parking spaces; because the proposed addition to the building will not create any additional indoor seating capacity, the proposed addition does not warrant adding any additional parking spaces; and

**WHEREAS**, it reasonably appears to the members of the Planning Board, based on their experiences and knowledge of the Site and the current business operations thereat, a total of 35 parking spaces would be adequate and sufficient to services the current and projected needs for



parking at the Site if the Site is modified as currently proposed; 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 such reasonable and necessary variances so as to allow approval of the proposed site plan modifications with a reduction of the required parking spaces from 53 to 35.
2. Based on its limited review of the matter, the Planning Board recommends the ZBA grant the requested variances, which variances shall be limited to this particular type of eating establishment, as another type of eating establishment may generate additional demand for parking spaces than the current type of operation.
3. 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.
4. 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.
5. That the within referral does not relieve the ZBA from compliance with any applicable provision of law, including compliance with the SEQRA.
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 \_\_\_\_\_, seconded by \_\_\_\_\_, and carried

TOWN OF WALLKILL PLANNING BOARD

  
\_\_\_\_\_  
Hon. Gary Lake, Chairman

The original of this resolution was filed with the Town Clerk on **December 14, 2020**  
A copy of this resolution was filed with the Town Building Dept. **December 14, 2020**  
A copy of this resolution was filed with the Clerk of the ZBA on **December 14, 2020**  
A copy of this resolution was mailed to the applicant on **December 14, 2020**