

**Town of Wawayanda ZONING BOARD OF APPEALS  
December 10, 2015 / 7:00 P.M.**

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**Members Present: Richard Onorati, Chairman  
Bruce Lewis  
Ronald Myruski  
Raymond Spiak  
Jeffrey Soons, Alternate**

**Members Absent: Daniel Post  
Consultant Present:  
David Bavoso, Esq.**

**Recording Secretary:  
Patricia Battiato**

The December 10, 2015 Town of Wawayanda Zoning Board of Appeals meeting was called to order at 7:00 P.M. by Chairman Richard Onorati. Chairman Onorati asked alternate board member Jeffrey Soons to join the board at the Dais in the absence of Board Member Daniel Post.

**I. INFORMAL**

**Anita Geary – Incredible Eat-ables / SBL# 1-1-3.223 / Dolsontown Road –  
MC-1 Mixed Commercial Zone**

Applicant is applying for an area variance of 195 Schedule of Zoning District Regulations for less than the required lot acreage and for an Interpretation of a Bakery use on site.

The Certified Return Receipts were collected and recorded. The secretary read the Public Hearing Notice as it appeared in the Times Herald Record.

Chairman Onorati stated for the record, we have received comments and response from Orange County Planning Department as follows:  
“The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter”.

Chairman Richard Onorati asked who was presenting.

Ms. Anita Geary approached the board and stated her name for the record.

Ms. Geary explained that she needs an area variance because the total acreage of this property is 1.181 and the zoning calls for two acres. Also the Planning Board said that they would want an interpretation on the Bakery use as it is part of what she wants to do here, like a Perkins, sit down and display.

Attorney David Bavoso explained that in the MC Zone she is permitted a restaurant as long as there are patrons getting served on the premises. The determination is whether the proposed use of the premises is consistent with a restaurant use (which is permitted in an MC Zone)

Chairman Onorati said, that he thought at the informal it was said that a lot of restaurants have baked goods there.

Attorney Bavoso said, yes that if you interpret it to be a restaurant it would have to be like a Perkins, with tables where you sit down and eat and it also has a bakery counter.

Chairman Onorati opened the Public Hearing by asking for any question, comments or concerns. Let the record show that there were none. Chairman Onorati closed the Public Hearing.

**Motion by Ronald Myruski, seconded by Bruce Lewis to grant a .819 lot area variance and to interpret that the proposed use of the premises is consistent with, and falls under, the Restaurant use.**

**VOTE UPON ROLL CALL**

<b>Ronald Myruski</b>	<b>Aye</b>	
<b>Bruce Lewis</b>	<b>Aye</b>	
<b>Jeffrey Soons</b>	<b>Aye</b>	
<b>Raymond Spiak</b>		<b>Aye</b>
<b>Richard Onorati</b>		<b>Aye</b>

<b>AYE</b>	<b>5</b>	<b>NAY</b>	<b>0</b>	<b>ABSTENTIONS</b>	<b>0</b>
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Chairman Richard Onorati declared the AREA Variance **GRANTED** and the board acknowledges the proposed uses of the premises are consisted with the restaurant use.

I. **INFORMAL**

**Ferrara / SBL# 12-1-111 \$ 112 / SR-Suburban Residential Zone / Greeves Road**

Applicant is applying for an area variance of 195 Schedule of Zoning District Regulations for less than the required lot area for each lot.

Mr. Ferrara explained to the board that when he bought his house, he bought the lot next to it. He came down to check if it was a buildable lot. And I did not think that I would run into a problem. Now that I am going to sell, and I've had it sold five times now (the builders back out because they don't want anything to do with it) There is an easement between the two lots which I did not see being a problem, but when they built my house they put the garage turned this way (facing the lot next door) The builders are like, just move the driveway, that's \$40000.00 later.

So I want to move the lot line to the edge of the driveway. I have no other choice.

Attorney Bavoso explained that one, the reason Mr. Ferrara is here tonight, before going to the Planning Board is that the Planning Board's regular meeting would have been last night, but their Holiday schedule was changed until next week. The secretary did not want to hold him up a whole month. It has been confirmed by the secretary that Mr. Ferrara is on the agenda for next week's meeting.

Attorney Bavoso continued that the applicant wants to appear before the Planning Board for a Lot line Change. The existing lots have less lot area than is required by the Schedule of District Regulations. Lot 12-1-11 is .052 acres (vacant) and 12-1-111 is .050. The proposed lots will be smaller than the required lot area in the Zoning District. The applicant seeks an area variance for the proposed lots allowing less than the required lot area within the zoning district.

Chairman Onorati said for clarification, someone could build there today. Most people don't want to buy it because of the driveway easement situation.

**Motion by Bruce Lewis, seconded by Raymond Spiak to set a Public Hearing for January 14, 2016.**

**All in Favor**

**Motion Carried**

**Roat / SBL# 20-2-1 / TC-Town Commercial Zone / Us Rte. 6**

Applicant is applying for an area variance of 195-17 A (1) to allow for two existing accessory structures in the front yard.

Mr. Donald Roat approached the board and explained that in June 2015 he purchased the property with the two existing sheds on it. It came back on the title report a week before the closing that it had a violation and he went ahead and purchased it anyway and here he is trying to fix it. He explained that two shed were put on the property without permits, one was about fourteen years ago, and the other about eight years and they are located in the front yard because it is considered a corner lot. The Code Enforcement Officer sent me the violation notice.

Alternate Board Member Jeffrey Soons asked what size the sheds were and Mr. Roat told him, and showed the photos of the sheds as well. They are used for storage. There is no back yard.

Motion by Bruce Lewis, seconded by Jeffrey Soons to set a Public Hearing for January 14, 2016.

All in Favor

Motion Carried

**II. OTHER BUSINESS**

Approval of Minutes for November 12, 2015

**Motion by Ronald Myruski, seconded by Jeffrey Soons to approve the minutes from November 12, 2015 as submitted.**

**All in Favor**

**Motion Carried**

**December 10, 2015 / Page 5**

Chairman Onorati thanked Board Member Ronald Myruski for his service and dedication to the Zoning Board. Chairman Onorati said that is an honest, intelligent and always did what he thought was the right thing. Mr. Myruski has been elected to the Town Board as Councilman. We wish him luck, but we will all miss him.

The December 10, 2015 Town of Wawayanda Zoning Board of Appeal meeting was adjourned by Chairman Richard Onorati at 7:29 P.M.

Respectfully Submitted,

Patricia Battiato  
Secretary to Zoning