

Town of Wawayanda ZONING BOARD OF APPEALS
October 12, 2017 / 7:00 PM

Members Present: **Richard Onorati, Chairman**
Daniel Post
Jeffrey Soons
Raymond Spiak
Russ LaSpina
James Beuerman (Alternate)

Consultant Present:
David Bavoso, Esq.

Recording Secretary:
Patricia Battiato

The October 12, 2017 Town of Wawayanda Zoning Board of Appeals was called to order by Chairman Richard Onorati at 7:00 P.M.

Chairman Onorati said that he had one Informal tonight and possible discussion on another case.

I. INFORMAL

Royal Pools / SBL# 8-1-18 & 19 / Rt. 17M / TC-Town Commercial Zone

Applicant is applying for eight-(8) side yard setback variances, and five rear yard setback variances after making improvements without approvals and most of these structures do not meet the towns required setbacks from the property lines.

Mr. Tom DePuy was in attendance with the owners Jim, Sue and Greg DePuy. A history of the approval in 1988 was given. The applicant has prepared a chart identifying the variances required and cross referenced in red on the map provided to the board. It became apparent that the applicant (and the board) did not know which buildings were built and which buildings had certificate of occupancies. The applicant was asked if he had them, to bring those with them to the public hearing.

Chairman Onorati explained to the applicant that it would be an easier process if you had a time line. People don't understand that if you house was built in 1969 and you want to put on an addition on you have to go by the 1696 zoning.

Attorney David Bavoso explained that if you can produce C/O's then essentially you have preexisting non-conforming uses but we need to see those. If you just put things up without a building inspector then that becomes a problem for us, without that we don't know what the safe buildings are.

Motion by Jeffrey Soons, seconded by Daniel Post to set a Public Hearing for November 9, 2017.

All in Favor

MOTION-CARRIED

Chairman Richard Onorati said to bring a narrative for each request, when it was built, if there are c/o's etc.

The Secretary asked the applicant to check the variances being requested, because based on the map that was provided, it looks like a variance for lot coverage, lot area and the number of parking spaces is also needed.

ADDITION TO AGENDA: DISCUSSION ON A&B CAULKING

Chairman Richard Onorati said that the next item I would like to discuss is the A&B Properties for the Use Variance on Dolsontown Road. This request is for the use variance for a Church in the former building on Dolsontown Road. We had allowed time for additional information and that information has been received. Has every one had time to read it, the response was yes.

Chairman Onorati said that what I would recommend to the board is that we deny the request based on the criteria, and we have reviewed the criteria many times. I understand that the Church is doing great work, I applaud them, but based on criteria, they haven't met any. Even the applicants engineer admitted it was self-created. Is there any discussion about my recommendation to the board? Are there any comments?

Board Member Daniel Post said that he agreed with Chairman Onorati.

An unidentified woman in the audience said that she was here on behalf of Pastor Albert and asked if she could ask a question. Chairman Onorati said no, that the Public Hearing had been closed.

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Chairman Onorati asked the Boards Attorney David Bavoso if he had any comments, he had none. Chairman Onorati asked if anyone on the board had any comments at all. There were none.

Chairman Onorati then said, I'll ask for a motion.

Board Member Raymond Spiak said, I'll make the motion to grant the variance.

Board Member Daniel Post asked, "What was the motion"?

Chairman Onorati stated, "That he is making a motion to grant the variance".

For the record, there was no second.

Motion is lost

Chairman Onorati asked for another motion.

Motion by Jeffrey Soons, seconded by Daniel Post to deny the variance based on criteria.

VOTE UPON ROLL CALL

Daniel Post	AYE
Russ LaSpina	AYE
Jeffrey Soons	AYE
Raymond Spiak	NO
Richard Onorati	AYE

Ayes 4

Nays 1

Abstentions 0

Chairman Richard Onorati declared the variance **Denied**.

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The October 12, 2017 Town of Wawayanda Zoning Board of Appeals meeting was adjourned at 7:22 PM.

Respectfully Submitted,

Patricia Battiato

Secretary to Planning