

**Town of Wappinger Zoning Board of Appeals**  
**MEETING DATE: April 28, 2015**  
**TIME: 7:00 PM**

**Town Hall**  
**20 Middlebush Road**  
**Wappinger Falls, NY**

**Acceptance of Minutes from April 14, 2015.**

### **Adjourned Public Hearing:**

#### **Appeal No. 15-7544**

**Stewart's Shops Corp. #325:** Seeking an area Variance of Section 240-52(A) & 240-52(E) of District Regulations in an CC Zoning District. The applicant is currently before the Planning Board for an amended site plan and Special Use Permit to add a gasoline filling station to the existing Stewart Shop.

-Where **1000 feet is required** from a residential district, the applicant can provide **200 feet**, thus **requesting a variance of 800 feet** to allow issuance of a Special Use Permit for a proposed gasoline filling station.

-Where **2,500 feet is required** between gasoline filling stations, the applicant can provide **1,425 feet**, thus **requesting a variance of 1,075 feet** to allow issuance of a Special Use Permit for a proposed gasoline filling station.

The property is located at **2048-2054 Route 9D** and is identified as **Tax Grid No. 6056-02-776904 & 6056-02-783920** in the Town of Wappinger.

### **Public Hearings:**

**Appeal No. 15-7548 Earth Angels Veterinary:** Seeking an area variance Section 240-71(A,D) of Regulations in an R-80 Zoning District.

-Where a minimum of **10 acres** is required for veterinary hospitals with outdoor runs in a residential district, the applicant can only provide **8.96 acres**, thus **requesting a variance of 1.04 acres**.

-Where the zoning code for veterinarian offices permit one, non-illuminated, free-standing sign, not to exceed **6 square feet** on each side, the applicant is proposing a two-sided sign with **32 square feet** on each side, thus requesting a variance of **26 square feet for both sides of their proposed signage**.

Where the **code states...in no case shall Accessory Structure be permitted in the front yard** the applicant requests a variance to construct a shelter/shed for mini-horses.

The property is located **44 St. Nicholas Road** and is identified as **Tax Grid No. 6258-01-200871** in the Town of Wappinger.

**Appeal No. 15-7547 Garth Bosman:** Seeking an area variance Section 240-21, (B)(4) of District Regulations in an R-40 Zoning District.

-Where 6 feet fence height is the maximum allowed, the applicant requests a **12 feet** height for a proposed fence, thus requesting a **6 feet** variance to allow for security.

The property is located **86 Ketchamtown Road** and is identified as **Tax Grid. 6157-03-150311** in the Town of Wappinger.

**Appeal No. 15-7545 Brian Coto:** - Seeking an area variance Section 240-37 of District Regulations in an R-40/80 Zoning District.

-Where **75 feet** is required for a front yard setback on the state or county road, the applicant can provide **51.2 feet** for an existing deck, thus **requesting a variance 23.8 feet.**

-Where 75 feet is required for a front yard setback on a state or county road, the applicant can provide **53.4 feet** for an existing Pole Barn addition, thus requesting a variance of **21.6 feet.** The property is located **1985 Route 9D** and is identified as **Tax Grid No. 6056-02-656759** in the Town of Wappinger.

**Appeal No. 15-7549 (Interpretation) RADD Automotive:** Seeking an Interpretation of the Determination from the Zoning Administrator in regards to the whether or not automobile repair is a service business or not. The business is in the R-20 residential zoning district and is a legal non-conforming business. Section 240-16 (C)(1)(b) states: *Further, a building or structure which contains a legal nonconforming use shall not be enlarged relative to the size of such use on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever, except that when authorized by special permit of the Planning Board, a building containing a nonconforming retail or service business use may be enlarged or extended to an extent not exceeding 50% of the gross floor area of the building devoted to such nonconforming use which legally existed on the date that such use became nonconforming under the terms of the Town of Wappinger Zoning Law.*

The property is located **1441 Route 376** and is identified as **Tax Grid No. 6259-04-840023** in the Town of Wappinger.

## **Discussions:**

**Appeal No. 15-7550 James Eglit:** Seeking an area variance Section 240-37 of District Regulations in an R-40 Zoning District.

-Where **50 feet** to the rear yard is required, the applicant can only provide **20 feet** for the installation of a 27" round above ground pool, thus requesting a variance of **30 feet.** The property is located **20 Alfreda Drive** and is identified as **Tax Grid No. 6157-03-106465** in the Town of Wappinger.