

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
January 27, 2009**

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

**Summarized Minutes**

|                               |                   |                      |
|-------------------------------|-------------------|----------------------|
| <b><u>Members:</u></b>        | Mr. McVeigh,      | Member               |
|                               | Ms. McEvoy-Riley, | Member               |
|                               | Mr. Casella,      | Member               |
| <b><u>Members Absent:</u></b> | Mr. Prager,       | Chairman             |
|                               | Mr. DellaCorte,   | Vice-Chairman        |
| <b><u>Others Present:</u></b> | Mr. Horan,        | Attorney             |
|                               | Mrs. Lukianoff,   | Zoning Administrator |
|                               | Mrs. Roberti,     | Secretary            |

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**SUMMARY**

**Adjourned Public Hearing:**

|                           |                                                        |
|---------------------------|--------------------------------------------------------|
| Mid Hudson Chinese Church | -Public Hearing on February 10, 2009.                  |
| Strang Site Plan          | -No extensions necessary while moratorium is in place. |

Mr. Casella:                   **Motion to approve the minutes for January 13, 2009.**  
Mr. McVeigh:                 Second the motion.  
Vote:                           All present voted aye.

**Appeal No. 08-7388**

**Mid Hudson Chinese Christian Church** -Seeking area variance of Section 240-37 & 240-57(C) of District Regulations in an R-40 Zoning District.

-Where **a side yard setback of 50 feet is required (double the normally required setback)**, the applicant is **proposing a side yard setback of 32 feet**, to allow for a new two story building adjacent to the existing church, **thus requesting a variance of 18 feet**. The property is located at **306 All Angels Hill Road** and is identified as **Tax Grid No. 6257-02-966715** in the Town of Wappinger.

Present:                   Mike Bodendorf - Engineer  
                              Deacon Sou-Lun Huang

Mr. Huang:               I am Sol-Lun Huang the Deacon for the church and I reside at 34 Sherwood Heights. We would like a place for our children to play indoors in a gym and also some classes and offices. We do not foresee our population increasing in the near future.

Mr. Bodendorf:         We have explored other layouts to avoid the need for a variance but they impede the parking calculations. We have a nice row of evergreens here buffering the neighbors and they have expressed no objections.

Mr. Casella:             How will this affect the new parking?

Mr. Bodendorf:         There are approximately 73 parking spaces now and we will be adding parking spaces here and hopefully land-banking some of them with the planning board's approval.

Mr. Casella:             How many more spaces are you adding?

Mr. Bodendorf:         We have 73 now and we will have a total of 122 when this is approved.

Mr. Casella:             Will this cause a problem because you're almost going to double the amount of spaces. Will this be a problem with getting in and out?

Mr. Bodendorf:         *Described from the map the spaces and the traffic flow around the site.*

Mr. Horan:               I see 17'7" for the traffic lane, is that sufficient for fire apparatus?

- Mr. Bodendorf: I believe it is ok and not a problem.
- Mrs. Lukianoff: I believe you need 25 or 26 feet for a parking lot aisle width.
- Mr. Bodendorf: I'm sure we can provide that.
- Mr. Horan: Does the code require a setback to a parking lot?
- Mrs. Lukianoff: Only in two zones but not in residential.
- Ms. McEvoy-Riley: I think we will do a site visit this Saturday so please mark out your property line and we will set your public hearing for February 10, 2009.
- Mr. Casella: When are you looking to break ground?
- Mr. Huang: First we need the approval and then we have to get the financing.
- Mr. Bodendorf: Thank you.

**Appeal No. 06-7333-**

**Jeffrey Strang** – *Applicant is granting an additional 6 month extension of the closed public hearing. This extension would run from February 27, 2009 through August 27, 2009.*

Seeking area variances of Section 240-37 and Section 240-107B (2) (b) [2] of District Zoning Regulations for HB Zoning.

1. -Where **2 acres are required**, the applicant is proposing **1.78 acres to allow for a mix of commercial and multi-family housing**, thus **requesting a variance of .22 acres**.
2. -Where **a lot depth of 200 feet is required**, the applicant is proposing **a lot depth of 107.8 feet to allow for a pre-existing condition**, thus **requesting a variance of 92.2 feet**.
- 3.-Where **50 feet from the from the front line of other street (Town Road) is required, the applicant can provide 7.9 feet**, thus **requesting a variance of 42.1 feet for a front yard setback**.
- 4.-Where **a rear yard setback of 30 feet is required**, the applicant is **proposing a rear yard setback of 13 feet**, to allow for the proposed design, **thus requesting a variance of 17 feet**.

The property is located **between Old State Road and Old Route 9** and is identified as **Tax Grid No. 6157-02-580777/581803** in the Town of Wappinger. (Public Hearing closed on 2-13-07)

- Ms. McEvoy-Riley: I see the applicant has not requested an extension for this so does this just expire?

Mr. Horan: With respect to this application I believe this property is subject to the moratorium that the TB enacted. My understanding from the text of that moratorium that this board is not authorized to reach a determination on the applicant during the period of the application. Also it is my understanding that a neg. dec. has not been issued by the PB which is lead agency. So in both of those cases this board is without authority to make a final determination on the merits of this application and for that reason the 62 day time period is told.

Ms. McEvoy-Riley: Thank you for that learned answer so we are going to do nothing.

**Ms. McEvoy-Riley: Motion to adjourn.**

Mr. McVeigh: Second the motion

Vote: All present voted aye.

Meeting ended at 8:00 PM

Respectfully Submitted,

Barbara Roberti, Secretary  
Zoning Board of Appeals