

MINUTES

**Town of Wappinger
Zoning Board of Appeals
February 10, 2009**

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

Summarized Minutes

Members: Mr. Prager, Chairman
Mr. DellaCorte, Vice-Chairman
Mr. McVeigh, Member
Ms. McEvoy-Riley, Member

Members Absent: Mr. Casella, Member

Others Present: Mr. Horan, Attorney
Mrs. Lukianoff, Zoning Administrator
Mrs. Roberti, Secretary

SUMMARY

Public Hearing:

Mid Hudson Chinese Church -Variance Granted. Recommendation to the PB.

Discussion:

Anthony & Marianne Verano -Public Hearing on February 24, 2009.

AW Scrap -Hold. Negotiations in process.

Ms. McEvoy-Riley: Motion to approve the minutes for November 18, 2008.

Mr. DellaCorte: Second the motion.

Vote: All present voted aye.

Ms. McEvoy-Riley: Motion to approve the minutes for November 25, 2008.

Mr. DellaCorte: Second the motion.

Vote: All present voted aye.

Ms. McEvoy-Riley: Motion to approve the minutes for December 9, 2008.

Mr. DellaCorte: Second the motion.

Vote: All present voted aye.

Ms. McEvoy-Riley: Motion to approve the minutes for January 27, 2009.

Mr. DellaCorte: Second the motion.

Vote: All present voted aye.

Appeal No. 09-7388

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. Prager: Are the mailings in order?

Mrs. Roberti: Yes they are.

Mr. McVeigh: Motion to open the public hearing.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Mr. Bodendorf: Gave presentation for the public. This will be an addition of classes, offices and a gym. There will be no new congregation members.

Mr. McVeigh; We went out and did a site visit recently. When driving around the building we found that to be a sharp turn for large trucks to turn in.

- Mr. Bodendorf: We will be adding some pavement here and here. Its 17 feet now.
- Mr. McVeigh: Are those new parking spaces there?
- Mr. Bodendorf: Yes. We have modified the parking here and land banked parking in the front. We are trying to add as little impervious surface as possible.
- Mr. Prager: Is there anyone in the audience with a question?
- Mr. Trosie: John Trosie, All Angels Hill Road. I am the neighbor to the side of the addition. When they first built in 1994 they planted some trees along side me and some grew well and others only sparsely. The trees behind me are not growing well and the parking lot is awful and now it will become more of a problem. It took 10 years for those trees to grow.
- Mr. Prager: It looks like 7 parking spaces are facing your property.
- Mr. Bodendorf: They were approved for 74 p.s. in 1994 but there is a lot more paving there and we reconfigured it into 94 p.s. Now we show up to 122 spaces with some land banked spaces because of the addition.
- Mr. Trosie: If you claim not to be increasing in people then why do you need that many spaces?
- Mr. Bodendorf: We have to meet the zoning requirements.
- Mr. Prager: Do they need those 7 spaces?
- Mrs. Lukianoff: It is in the code but the PB can land bank or waive the requirement.
- Mr. Trosie: Also there is some garbage left on this site.
- Mr. Prager: Bringing the children inside will probably help.
- Mr. Bodendorf: We will be supplying a caged in dumpster.
- Mr. McVeigh: Where will it be placed?
- Mr. Bodendorf: Probably here but I need to speak to my clients first.

- Mr. Prager: We did receive a recommendation from the planning board in favor of this variance. Mr. Trosie, I recommend that you go to the PB with your concerns. Anyone else with a question? Hearing none.
- Mr. DellaCorte: Is it possible to give relief to Mr. Trosie?
- Mrs. Lukianoff: At the PB the Town Planner will help determine the type and amount of screening.
- Mr. Prager: I agree it should be done there.
- Mr. Horan: Mr. Trosie, do you also want additional trees here?
- Mr. Trosie: The corner is my concern.
- Mr. Horan: Bring your concerns to the PB. I strongly believe that they can help you. This is also an appropriate issue for this board to send a letter to the PB for a recommendation to them. What is the width of the driveway in respect of fire apparatus?
- Mr. Bodendorf: 15 feet and that is sufficient.
- Mr. Horan: Does the FPB have an issue with it?
- Mrs. Lukianoff: They want 12 feet.
- Mr. Prager: Then that's good.
- Mr. Horan: The code states 20 feet of unobstructed view according to Section 503 of the Fire Code.
- Mrs. Lukianoff: I'll go get the FPB representative; they are meeting in the next room.
- Mr. Liebermann: I'm the Fire Inspector for the Town of Wappinger.
- Mr. Prager: There is a question as to the width here. They show 17'7" here.
- Mr. Liebermann: We said ok as long as there is 12 feet available.
- Mr. Prager: As long as the FPB is ok then I have no objection.
- Mr. Horan: That's all I have.

Ms. McEvoy-Riley: Motion to close the public hearing.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Ms. McEvoy-Riley: Motion to grant the variance. This will not produce an undesirable change to the neighborhood. There really is no other way to achieve this although this is rather substantial. I see no adverse impacts to the environment and this is self-created.

Mr. McVeigh: Second the motion

ZBA Roll Call: Mr. McVeigh: Aye.
Ms. McEvoy-Riley: Aye.
Mr. DellaCorte: Aye.
Mr. Prager: Aye.

Mr. Horan: A letter should be sent to the PB to land back 7 spaces and to include a fence or screening for the neighbor John Trosie.

Mr. Bodendorf: Thank you.

Appeal No. 09-7389

Anthony & Marieanne Verano- Seeking an area variance of Section 240-37 of District Regulations in an R-15 Zoning District.

-Where **a rear yard setback of 30 feet is required**, the applicant is **proposing a rear yard setback of 10 feet**, to allow for a 21' above ground pool, **thus requesting a variance of 20 feet**.

The property is located at **4 Daisy Lane** and is identified as **Tax Grid No. 6158-02-941839** in the Town of Wappinger.

Mr. Verano: We are really like the Flintstones, we have been built totally on rock.

Mrs. Verano: We have done landscaping already and we did some excavating for new leech fields and we saw what we had. This would be as far back as we could get for a pool.

Mr. Verano: The leech fields come back about 10 feet here.

Mr. Prager: So explain this map to us.

Mr. Verano: Went up to the dais to show the ZBA where he needs the pool to go and why.

Mr. Prager: Mark out your property and where you want the pool and we will do a site visit.

Mr. Verano: Everything is staked out for you. The shed here on the map is actually here.

Mr. Prager: So you dug out here where the pool will be already?

Mr. Verano: We had the excavator here already for the septic.

Mr. Prager: Will do your site visit on the 14th of February and your public hearing will be February 24th.

Mr. Verano: Thank you.

AW Scrap: Discussion regarding length of time application is still open before the ZBA.

Mrs. Lukianoff: I had made a determination that they were starting too early in the morning. They didn't agree and asked for an interpretation from this board. They had a valid point because what if they wanted to come in and do their books.

Ms. McEvoy-Riley: Last I heard they were in discussion with the TB.

Mr. Horan: My understanding was that there was a resolution that they were going to submit a modified site plan pursuant to the junk yard chapter of the code.

Discussion followed.

Mr. Horan: You cannot deny this interpretation outright. You would have to call them in, have a public hearing and have them make their piece and based on that you would have to make your determination. I think at this point in time it is just better to wait

Mr. McVeigh: **Motion to adjourn.**
Ms. McEvoy-Riley: Second the motion
Vote: All present voted aye.

Meeting ended at 8:30 PM

Respectfully Submitted,

Barbara Roberti, Secretary
Zoning Board of Appeals