

MINUTES

**Town of Wappinger
Zoning Board of Appeals
April 14, 2009**

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

Summarized Minutes

Members:

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

Others Present:

Mr. Horan,	Town Attorney
Mrs. Lukianoff,	Zoning Administrator
Mrs. Roberti,	Secretary

SUMMARY

Public Hearing:

Corporate Park/Temp. Sign -Variance Denied..

Osborne Square -Variance Granted.

Discussion:

Schumacher/Zaremsky -Public Hearing on April 28, 2009.

Angelo Fabrizio -Public Hearing on April 28, 2009.

Mr. Casella: **Motion to approve the minutes for March 24, 2009.**
Ms. McEvoy-Riley: Second the motion.
Vote: All present voted aye.

Appeal No. 09-7391

Corporate Park- Seeking an area variance of Section 240-29(F)(5) of District Regulations in an HB Zoning District.

-Where **6 sq. ft. maximum size is allowed for a temporary sign**, the **applicant is proposing a temporary sign of 24 sq. ft.**, thus **requesting a variance of 18 sq. ft. for a temporary sign.**

The property is located at **1281-1289 Route 9** and is identified as **Tax Grid No. 6157-04-563441** in the Town of Wappinger.

Present: Kevin Lund

Mr. Prager: Are the mailings in order?

Mrs. Roberti: Yes they are.

Mr. DellaCorte: **Motion to open the public hearing.**
Mr. Casella: Second the motion
Vote: All present voted aye.

Mr. Lund: We have a made an application for a space for lease sign that would be 4' X 6'. We would like to put it on Route 9 in front of Corporate Park. I have put up a piece of plywood to simulate it.

Mr. Prager: Any questions from the members?

Ms. McEvoy-Riley: If we should grant this can we set time limits?

Mrs. Lukianoff: The code says a maximum of six months.

Mr. Horan: The variance would be for six months only.

Mr. Prager: Is there anyone in the audience with a question? Hearing none.

Mr. McVeigh: This really is big. I drove up and down Route 9 and most signs are 6 sq. ft. and I think that is enough. I believe this would set a precedent.

Mr. DellaCorte: It is sort of facing east and hard to read.

Mr. Lund: The owner said to keep it parallel. I disagreed but he wanted it like that.

Mr. Prager: Motion to close the public hearing.

Ms. McEvoy-Riley: So moved.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Mr. McVeigh: Motion to deny the variance. I think that 6 sq. ft. would be enough if turned sideways. I believe it is an undesirable change to the neighborhood because there are too many signs along Route 9 as it is. I believe if you put this big one up it would be worse and set a precedent. I think the request is substantial, self created and it will have an environmental affect by being unsightly. So for those reasons I deny it.

Mr. Casella: Second the motion but I what I would like to do is find out if we can make the sign smaller then 24 sq. ft. I agree with Pat's assessment. I also think the sign is too big and will create a precedent. Once you do this everyone will want to. Would you agree to a smaller sign?

Mr. Lund: It is a temporary sign though. I prefer to keep it the size it is. I guess I would take something smaller.

Mr. McVeigh: How many people do you really believe is going to see that sign and make a phone call?

Mr. Lund: We don't use an agent. We manage the properties ourselves and we believe it creates an existence that there is space available..... We have tons of road frontage.

Mr. McVeigh: Then the guy next door will want one.

Mr. Lund: Don't you look at these on a case by case basis?

Mr. McVeigh: How far off the road would this be?

Mrs. Lukianoff: It would need to be 25 feet off the property line, wherever the property begins.

Mr. Casella: I agree with Pat.

ZBA Roll Call: Mr. McVeigh: Deny.
 Ms. McEvoy-Riley: No to deny.
 Mr. Casella: Deny.
 Mr. DellaCorte: No to deny.
 Mr. Prager: Deny.

Mr. Prager: Variance denied.

Appeal No. 09-7392

Osborne Square- Seeking an area variance of Section 240-37 of District Regulations in an HO Zoning District.

-Where **a front yard setback of 75 feet is required to a county or state highway**, the applicant is **proposing a front yard setback of 73 feet**, to allow for columns and a sidewalk in front of new retail / office space, **thus requesting a variance of 2 feet**. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger.

Present: Kevin Lund

Mr. Prager: Are the mailings in order?

Mrs. Roberti: Yes they are.

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

Mr. Casella: Second the motion

Vote: All present voted aye.

Mr. Lund: We are pending site plan approval at the PB. We would like to add columns and a sidewalk in the front of the buildings. This is a difficult site to add water and septic and this is as far back as we can go. This is just a 2 ft. variance.

Mr. Prager: We received a letter of recommendation from the PB on March 2, 2009 and a letter of local concern from DC Planning. Is there anyone in the audience who would like to speak on this? Hearing none.

Mr. Casella: Motion to close the public hearing.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Mr. Casella: **Motion to grant the variance. This will not cause an undesirable or environmental change. It is only 2 feet so it is not substantial although self-created.**

Mr. DellaCorte: Second the motion
ZBA Roll Call: Mr. McVeigh: Aye.
 Ms. McEvoy-Riley: Aye.
 Mr. Casella: Aye.
 Mr. DellaCorte: Aye.
 Mr. Prager: Aye.

Mr. Lund: Thank you.

Mr. Lund: Can I re-apply for the same variance for the sign if smaller and can I get your feelings on that?

Mr. Horan: Can he put up two signs?

Mrs. Lukianoff: We are looking into that.

Mr. Lund: Some are quite large at other properties and I don't want to waste your time.

Mr. Horan: Mr. McVeigh is very correct with his concern that this could set a precedent. By showing other property signs I'm sure the ZBA would take that into consideration.

Mr. DellaCorte: Don't bring back pictures of properties in the village.

Appeal No. 09-7393

George Schumacher & David Zaremsky- Seeking an area variance of Section 240-37 of District Regulations in an R-40 Zoning District.

-Where **a rear yard setback of 50 feet is required**, the applicant is **proposing a rear yard setback of 20 feet**, to allow for a 15' X 33' above ground pool with attached deck, **thus requesting a variance of 30 feet.**

-Where **a side yard setback of 50 feet is required**, the applicant is **proposing a side yard setback of 40 feet**, to allow for a 15' X 33' above ground pool with attached deck, **thus requesting a variance of 10 feet.**

The property is located at **35 Ketchamtown Road** and is identified as **Tax Grid No. 6157-03-074459** in the Town of Wappinger.

Mr. Schumacher: We would like to add an AG pool and we have really no room in the rear. The right side of our property is our leech fields and on

the left side it is very open and flat. Across the street from us is 35 acres of wetlands. This won't affect the neighbors behind us because our back is their side and we plan on full evergreen screening.

Everyone went up to the dais to look at the plans.

Mr. Prager: We will have a site visit on Saturday and your public hearing will be on April 28th. Please outline the area of the pool.

Mr. Schumacher: Just a note that our fence is two feet into our property. Thank you.

Appeal No. 09-7394

Angelo & Mary Ann Fabrizio- Seeking an area variance of Section 240-37 of District Regulations in an R-40 Zoning District.

-Where **a rear yard setback of 50 feet is required**, the applicant is **proposing a rear yard setback of 47.5 feet**, to allow for the extension of Dining Room 6' X 13' and extending porch/deck 12' X 25', **thus requesting a variance of 2.5 feet**.

-Where **a side yard setback of 25 feet is required**, the applicant is **proposing a side yard setback of 14 feet**, to allow for the extension of Dining Room 6' X 13' and extending porch/deck 12' X 25', **thus requesting a variance of 11 feet**.

The property is located at **27 Kendall Drive** and is identified as **Tax Grid No. 6257-01-308512** in the Town of Wappinger.

Ms. Niemic: I represent the owners for our business. The applicant is staying in line with their house but bumping out their dining room and adding a deck.

Ms. Niemic went up to the dais to explain the drawings to the board.

Mr. McVeigh: So only two variances are needed?

Ms. Niemic: Yes.

Mr. Horan: The house is in the setback.

Ms. Niemic: Yes and the deck is in line with the house.

Mr. Prager: The side yard variance is 44% and the rear yard is only 5%.

Mrs. Lukianoff: This is a ¼ acre near an R-15 area but still in a R-40 zone.

Mr. Prager: Your site visit will be this Saturday as well so mark off the area and your PH will be April 28th.

Ms. Niemic: Thank you.

Mr. McVeigh: Motion to adjourn.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Meeting ended at 8:30 PM

Respectfully Submitted,

Barbara Roberti, Secretary
Zoning Board of Appeals