

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
June 23, 2009**

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

**Summarized Minutes**

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

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

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**SUMMARY**

**Adjourned Public Hearing:**

John Degnan -All Three Variances Granted.

**Public Hearing:**

Dennis Leahy -Variance Granted.

Stephanie Parrish-Bell -Variance Granted.

Joseph Sabatelli -Variance Granted.

Rocco Valente . -Variance Granted.

**Discussion:**

Jon Degnan/Quick Cash -Public hearing on July 14, 2009.

**Mr. Casella:** Motion to approve the minutes for May 26, 2009.  
**Mr. McVeigh:** Second the motion.  
**Vote:** All present voted aye.

**Appeal No. 09-7399**

**John Degnan** - Seeking area variances of Section 240-29(F) of District Zoning Regulations for HD Zoning.

-Where a **freestanding sign is allowed no taller than 10 feet in height** the **applicant is proposing a freestanding sign of 14.9 ft. in height, thus requesting a variance of 4.9 ft.**

-Where a **freestanding sign is allowed 25 sq. ft in area,** the **applicant is proposing 56 sq. ft. in area, thus requesting a 31 sq. ft. variance for the sign size.**

-Where a **freestanding sign must be 25 ft. from the property line,** the **applicant is proposing 10 ft. from the property line, thus requesting a variance of 15 ft.**

The property is located at **1708 Route 9** and is identified as **Tax Grid No. 6158-02-543530** in the Town of Wappinger.

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

**Mr. Degnan:** The last time I was here you asked me to show the sign on the south side and what it would look like. I have provided both pictures to code and what I propose. I can't move it south or the trees cover it, so I show it 10 feet from the property line.

**Mr. Prager:** I'm assuming the large sign is 56 sq. ft. (Yes.) Is Lumber Liq. necessary on this?

**Mr. Prager:** Yes, as my largest tenant he insists and even wanted more sign than this.

**Mr. Casella:** How many tenants are there?

**Mr. Degnan:** There are 5.

**Mr. Casella:** Do you have any empty space?

**Mr. Degnan:** No. All 20,000 sq. ft. is now rented.

**Mr. DellaCorte:** So you are hoping for the larger sign?

**Mr. Degnan:** Yes.

Mr. McVeigh: Are all the signs on the building legal?

Mrs. Lukianoff: Yes.

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

**Mr. Casella: Motion to close the public hearing.**

Ms. McEvoy-Riley: Second the motion.

Vote: All responded aye.

Mr. Horan: Did you bring the DOT approval?

Mr. Degnan: No I forgot but the Welcome to Wappinger sign is 3 feet off the road. I had my engineer out there when I measured the setback.

Mr. Horan: Further south on Route 9 there seems to be more property. The DOT already took property for the third lane.

Mr. Prager: For the record we are all sure of the property line now.

Mr. McVeigh: So the sign will be the same size just 5 tenants instead of six?

Mr. Degnan: Correct.

**Mr. DellaCorte: Motion to grant the variance for a height of 14'9". There doesn't seem to be another way to achieve this and a smaller sign won't really help since this is Route 9. This is substantial but it will not cause an undesirable change or adverse environmental condition and this is self-created.**

Mr. Casella: Second the motion

ZBA Roll Call:

Mr. McVeigh: Aye.

Ms. McEvoy-Riley: Aye.

Mr. Casella: Aye.

Mr. DellaCorte: Aye.

Mr. Prager: Nay.

Mr. Prager: For the record in October 1996 Alpine Commons received a variance for a much larger sign for BJ's and Stop n Shop. This was appeal number 1227 and where the code stated 25 sq. ft. the variance was granted for 96 sq. ft.

**Mr. McVeigh:** Motion to grant the variance for size in the amount of 56 sq. ft. This is self-created and will hold no more than 6 tenant signs. This is substantial but far enough off the road where you need something this big and there are no other means to achieve this.

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

**Mr. DellaCorte:** Motion to grant the sign being placed 10 feet from the property line where the code states 25 feet. The benefit cannot be achieved because of the nature of the property. This is substantial but the property was shortened by the DOT. This will not be undesirable and this will not cause any physical or adverse environmental changes to the neighborhood and this is self-created.

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

Mrs. Roberti: All three variances carry by a roll call vote of 4 to 1.

Mr. Degnan: Thank you.

**Appeal No. 09-7404**

**John Degnan** - Seeking area variances of Section 240-29(F)(1)(D) of District Zoning Regulations for HD Zoning.

-Where a maximum signage of 50 sq. ft. is allowed on the north side of the building and where the maximum has already been met, the **applicant can provide 0 space, thus requesting a variance of 24 sq. ft. for an additional sign for Quick Cash.**

The property is located at **1708 Route 9** and is identified as **Tax Grid No. 6158-02-543530** in the Town of Wappinger.

Mr. Degnan: I would like a sign on the north side of this same building for Quick Cash. There are already 2 signs that use up our allowance. This side of the building cannot be seen from Route 9 when heading north.

Mr. Prager: Tania if there is a sign on the door, does that count?

Mrs. Lukianoff: Yes it counts. There was a prior mix-up with the Nuts tenant.

- Ms. McEvoy-Riley: Is the rental space signs coming down?
- Mr. Degnan: Yes they are down already.
- Mr. Prager: Are you requesting two signs?
- Mr. Degnan: No just one 25 sq. ft. sign over the door to Quick Cash.
- Mr. Horan: Is there a limit to the number of signs?
- Mrs. Lukianoff: No just the size total.
- Mr. Horan: So this is just a variance request for the total sq. ft. of signage on the north side of the building?
- Mr. Degnan: Yes.
- Mr. Prager: So he has 50 sq. ft. now and you want an additional 25 sq. ft.?  
( Correct.) I need to have a list of the total number of signs on the building and their individual sizes and placement for the next meeting. Your public hearing will be July 14<sup>th</sup>.
- Mr. Degnan: Thank you.

**Appeal No. 09-7400**

**Dennis Leahy**- Seeking an area variance of Section 240-37 of District Regulations in an R-20 Zoning District.

-Where **a side yard setback of 20 feet is required**, the applicant is **proposing a side yard setback of 15 feet**, to allow for a 6' X 28' ramp to a 12' X 44' existing deck, **thus requesting a variance of 5 feet.**

The property is located at **3 Russet Lane** and is identified as **Tax Grid No. 6258-04-541127** in the Town of Wappinger.

- Mr. Prager: Are the mailings in order?
- Mrs. Roberti: Yes they are.
- Mr. Casella: Motion to open the public hearing.**
- Ms. McEvoy-Riley: Second the motion
- Vote: All present voted aye.
- Mr. Leahy: I've extended my deck on the side and the rear for my wife's convenience as she is handicapped.

Mr. DellaCorte: So this is a handicapped ramp?

Mr. Leahy: Yes.

Mr. Prager: Is there anyone in the audience with a comment?

Mrs. Gutsler: Barbara Gutzler, 5 Russet lane. I hope that you grant this variance. These are the best neighbors and we are the next door neighbors and this won't inconvenience us at all.

Mr. Prager: Anyone else? Hearing none.

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

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

**Mr. Casella: Motion to grant the variance. It is already in existence today. It is not an undesirable change and there are no adverse impacts associated with it. It is not substantial and is self-created.**

Ms. McEvoy-Riley: Second the motion.

Mr. Horan: The condition on the variance is that if the ramp is removed the variance will terminate.

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

Mr. Leahy: Thank you.

**Appeal No. 09-7401**

**Stephanie Parrish-Bell**- Seeking an area variance of Section 240-37 of District Regulations in an R-20/40 Zoning District.

-Where **a front yard setback of 35 feet is required**, the applicant is **proposing a front yard setback of 28.5 feet**, to allow for a 4' X 21' concrete slab with footings to carry 4' X 4' post w/shed roof on top, **thus requesting a variance of 6.5 feet**.

The property is located at **10 Pleasant Lane** and is identified as **Tax Grid No. 6157-01-419770** in the Town of Wappinger.

**Mr. Casella: Motion to open the public hearing.**

Ms. McEvoy-Riley: Second the motion

Vote: All present voted aye.

Mr. Dienes: I represent Stephanie Bell as her friend and contractor. We would like a 4 foot slab with a shed roof to go out to the driveway. This will enable her mother to walk from the house to the car with coverage.

Mr. Casella: I went there yesterday and it didn't look like you needed the variance according to the outline.

Mr. Dienes: The front yard setback is 35 feet and she only has 28.5 feet now.

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

**Mr. DellaCorte: Motion to close the public hearing.**

Mr. Casella: Second the motion

Vote: All present voted aye.

**Mr. McVeigh: I make a motion to grant the variance. This is not substantial and there is no other means to achieve this. This will not be undesirable and will create no impacts and it is self-created.**

Ms. McEvoy-Riley: Second the motion

ZBA Roll Call: Mr. McVeigh: Aye.

Ms. McEvoy-Riley: Aye.

Mr. Casella: Aye.

Mr. DellaCorte: Aye.

Mr. Prager: Aye.

**Appeal No. 09-7402**

**Joseph Sabatelli**- Seeking an area variance of Section 240-37 of District Regulations in an R-20 Zoning District.

-Where **a front yard setback of 35 feet is required**, the applicant is **proposing a front yard setback of 30 feet**, to allow for a 6' X 20' front covered porch, **thus requesting a variance of 5 feet.**

The property is located at **5 Peters Road** and is identified as **Tax Grid No. 6357-03-066044** in the Town of Wappinger.

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. Sabatelli: We are doing renovations to our home in the front. We would like to add a covered porch.

Mr. Prager: Are you also doing the steps?

Mr. Sabatelli: Yes.

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

**Mr. Casella: Motion to close the public hearing.**

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

**Ms. McEvoy-Riley: Motion to grant the variance. There is no other way to do this and it will not cause an undesirable change in the neighborhood. It is really not substantial and it is self-created.**

Mr. Casella: Second the motion

ZBA Roll Call: Mr. McVeigh: Aye.

Ms. McEvoy-Riley: Aye.

Mr. Casella: Aye.

Mr. DellaCorte: Aye.

Mr. Prager: Aye.

**Appeal No. 09-7403**

**Rocco Valente**- Seeking an area variance of Section 240-37 of District Regulations in an R-20 Zoning District for Patrick & Catherine Moriarty.

-Where **a side yard setback of 20 feet is required**, the applicant is **proposing a side yard setback of 17.5 feet**, to allow for a handicap ramp, **thus requesting a variance of 2.5 feet**.

The property is located at **26 Robert Lane** and is identified as **Tax Grid No. 6158-04-952129** in the Town of Wappinger.

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. Valente: I need a 2.5 ft. variance to build a handicap ramp. I am the builder and this variance amounts to only a 12.5% variance.



Mr. Casella: When I spoke with the owners they said they were building off of here. (Showed map.) I just want clarification from you.

Mr. Valente: The stoop is to be raised and the ramp will go out 24 feet and then come back due to the rise.

Mr. Prager: Is there anyone in the audience with a comment.

Mr. Brown: Earl Brown , Robert Lane. We live next door to the Moriarty's. I think you should allow the ramp. Pat is old and ill and has always been a good neighbor.

Mr. Prager: Thank you. Are there any other comments? Hearing none.

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

Mr. Casella: Second the motion

Vote: All present voted aye.

**Mr. Casella: Motion to grant the variance. This is not substantial and this is needed. There are no other means to achieve this and will not cause any adverse environmental change. This is self-created but the neighbor's have no concerns.**

Mr. DellaCorte: I will second this with the same condition as the first one, that if the ramp is removed this variance terminates.

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

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

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Meeting ended at 8:25 PM

Respectfully Submitted,

Barbara Roberti, Secretary  
Zoning Board of Appeals