

MINUTES

**Town of Wappinger
Zoning Board of Appeals
December 14, 2010**

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

Summarized Minutes

Members:

Mr. Prager,	Chairman
Mr. Kuzmicz,	Member
Mr. Casella,	Member
Mr. McVeigh,	Member

Absent Members:

Mr. DellaCorte,	Member
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Others Present:

Mr. Roberts,	Town Attorney
Mrs. Roberti,	Zoning Administrator
Mrs. Dao,	Secretary

SUMMARY

Interpretation:

A. W. Scrap Processors:

-Public Hearing scheduled on
January 11, 2011.

Approval of the 2011 Meeting Dates:

Meeting dates approved.

Appeal No. 10-7430

A.W. Scrap Processors, Inc.- Seeking an Interpretation of Section 240-16(B)(1): Nonconforming uses and structures, Town of Wappinger Zoning Code as to the use of the 4 acre southern portion of the property. The property is located **1978 Route 9D** and is identified as **Tax Grid No. 6056-02-688723/721673** in the Town of Wappinger.

Present: John Sarcone Attorney
 Steve Burns Engineer

Mr. Sarcone: We've been working with the town for some time now in conjunction with the Town attorney to develop a site plan for a pre-existing, non-conforming entity for AW Scrap Processing center. It's been operating as a junk yard predating zoning. However there's never been a site plan in all of the fifty to sixty years that it's been in operation. It this time we're working together to get a site plan approved. During that period of time there was an issue over the historical use of plus or minus a four acre southern portion of the property. The map that you see is clearly defined. We would like to seek approval from the Planning Board for a limited use of this portion for off street parking for employee and customer parking. There is no safe place to park off street. On page two in the top left corner you can see it is designated for parking.

Mr. Prager: I see fifteen parking spaces.

Mr. Sarcone: There would also be a berm constructed to avoid any visual sighting from the road, in addition the planting of trees and shrubs as well. The reason the Planning board sent this over is to agree with the interpretation that the use is permissible under the current zoning. If the board does not decide then we would like to seek a variance to permit the continued use of this piece of the property for this purpose.

Mr. Prager: The small little parcel on the left is your office. Is that a completely different parcel?

Mr. Sarcone: Yes, it is a different parcel.

Mr. Prager: Both parcels are the same owners?

Mr. Sarcone: Yes they are the same owners.

Mr. Prager: When was this purchased?

- Mr. Sarcone: I think it was 1997 when purchased.
- Mr. Roberts: I represented Sid Shapiro when he bought it. It was either in 1994 or 1995, when it was Mid Hudson Auto Wreakers. At that time the long narrow strip was where the business was conducted.
- Mr. Prager: What about the large piece next to the four acres?
- Mr. Roberts: He didn't own it until 1995. Prior to that, they had used the long narrow piece and the interior piece for their operations.
- Mr. Casella: Is that where the parking was?
- Mr. Roberts: The parking was all over. There was never a site plan and there have been ongoing issues with this site. Part of the compromise is we are going to get a site plan and a template that identify what can and can not be used for this pre-existing, non-conforming use. This type of recycling business is a needed business. Even the Town uses their facilities from time to time.
- Mr. Prager: Are both of these parcels the same zone?
- Mr. Roberts: All three parcels are in a residential zone. There is a Central Hudson right of way in between and the interior parcel to the east. The bulk of their operation will take place back there and they are going to put up a fence.
- Mr. Prager: Are you saying approximately 1994 to 1995 Shapiro purchased the large area or the whole thing?
- Mr. Roberts: No Sid Shapiro has been in business since the fifties.
- Mr. Prager: What did he purchase in 1994?
- Mr. Roberts: The four acre parcel.
- Mr. Sarcone: My clients purchased the parcel in 1997.
- Mr. Prager: AW Scrap purchased the four point something acres.
- Mr. Roberts: Yes, they purchased everything from Mid Hudson Auto Wreakers. I did not represent Shapiro at that time.
- Mr. Sarcone: AW Scrap started operations in the summer of 1997.
- Mr. Prager: Does AW Scrap have a lot of parking? Why do they need fifteen spots?

- Mr. Sarcone: For employees and additionally customers need parking.
- Mr. Burns: Presently the employees park in the rear. There is a lot of congestion.
- Mr. Casella: How many people do they have working there?
- Mr. Sarcone: There are ten to fifteen employees.
- Mr. Kuzmicz: Is there no other place to park?
- Mr. Sarcone: No, not without endangering the lives of the people that are going to park because operations are on going in the areas or there is wetlands which we wouldn't want to approach on.
- Mr. Kuzmicz: This business has been in operation for how long now?
- Mr. Sarcone: Since the 1950's.
- Mr. Kuzmicz: People have been using it and you have been getting a return the business since, using the current parking that you've using. Is that correct?
- Mr. Sarcone: Yes that's correct.
- Mr. Prager: Looking at it, this is the best place to have the parking. Behind the office would be a good idea.
- Mr. Sarcone: We even agreed there would be restrictions on the site plan and be made very clear that this would not be used for anything other than purpose.
- Mr. Casella: What would you do, you said you would cut shrubbery I notice a lot of your scrap is very close to Route 9d by the fence. Are you going to move that back? What are you going to do with that stuff?
- Mr. Sarcone: What area are you talking about?
- Mr. Roberts: They were on the four acre parcel but are now cleaned up.
- Mr. Casella: I would like to take a look at this.
- Mr. Prager: Definitely we can visit the site.
- Mr. McVeigh: Where is this in reference to the house that was there? Is that to the right of the office? And where is the crusher?

- Mr. Burns: The crusher is on the other side of Central Hudson right of way, it is on the other side, before the scale to get to the parking.
- Mr. McVeigh: Fifteen cars are going behind the office trailer now. Then how are you going to get in there?
- Mr. Burns: I left a twenty five foot strip.
- Mr. McVeigh: You come in and bear to the right before or after the scale?
- Mr. Burns: You come in past the house, past the barn behind the house, and then just before the scale there is a small road to the right to pull into. There is also a way out on the other side. You can use that area to drive around the scale.
- Mr. Prager: We will get a better idea when we see it.
- Mr. Roberts: The Planning Board unanimously recommended an interpretation from the ZBA.
- Mr. Sarcone: This is a user friendly business. We just got a clean bill of health from the DEC. It's a necessary and useful business.
- Mr. McVeigh: How far away are the neighbors?
- Mr. Sarcone: There is one neighbor to the North.
- Mr. Kuzmicz: Have you ever tried to get this rezoned to commercial?
- Mr. Sarcone: We think this the path of least resistance.
- Mr. Prager: It looks like a good sizable berm. Is the berm four to six feet high?
- Mr. Burns: Yes. It is not just to shield the parking area. It is also to screen the operation as well.
- Mr. Prager: We need to set up a date to visit the site. I would like to go together if we can.
- Mr. Kuzmicz: I can go this Saturday.
- Mr. Prager: It seems all can be available this Saturday at 9am for a site inspection. We will have to make the public hearing in January 11th.

Mr. Sarcone: I will let them know you will be coming at 9am. Thank you.

Mr. Prager: I would like the secretary to write a letter to the Town Board, for the Zoning Board of Appeals, requesting Patrick McVeigh to stay on the Zoning Board of Appeals. Does everybody agree to that?

All present said yes.

Mr. Prager: **Motion to accept meeting dates for 2011.**

Mr. Kuzmicz: Second the motion.

Vote: All present voted aye.

Mr. Prager: **Motion to adjourn.**

Mr. Kuzmicz: Second the motion

Vote: All present voted aye.

Meeting ended at 8:00 PM.

Respectfully Submitted,

Susan Dao, Secretary
Zoning Board of Appeals