

MINUTES

**Town of Wappinger
Zoning Board of Appeals
September 28, 2010**

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

Summarized Minutes

Members: Mr. Prager, Chairman
Mr. DellaCorte, Vice-Chairman
Mr. McVeigh, Member
Mr. Casella, Member

Members Absent: Mr. Kuzmicz, Member

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

SUMMARY

Adjourned Public Hearing:

Kenneth & Joan Kerrs -Variance Granted.

Public Hearings:

Adams Wappingers, LLC -Variations Granted.

Friendly Motorcars -Variations Granted.

Discussions:

Richard Finnerman -Public Hearing on October 12th, 2010.

Stage Door Furniture -Public Hearing on October 12th, 2010.

Appeal No. 10-7424

Kenneth & Joan Kerrs : Seeking variances of Section 240-37 & 240-53 of District Zoning Regulations for R-20 Zoning.

-Where **an accessory apartment shall not exceed 35% of the gross floor area or 1000 sf of the principal residence**, the applicant **is proposing 1202 sf for the accessory apartment**, thus requesting a 20% variance over the maximum allowed.

-Where **a side yard setback of 20 feet is required**, the applicant is **proposing a side yard setback of 16'6" feet**, to allow for an expansion of an existing accessory apartment, **thus requesting a variance of 3'6" feet**. The property is located at **39 Carroll Drive** and is identified as **Tax Grid No. 6257-04-867463** in the Town of Wappinger.

Present: Denise Suraci - Architect for applicant

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

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Ms. Suraci: We have cut the addition down by 9.5 %. Now we only need 2' 11" to the side yard and we have reduced the room sizes.

Mr. Prager: Any questions from the board members?

Mr. Casella: I thought you were going to take out the den?

Ms. Suraci: The owners still want the den.

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

Mr. Fontana: Michael Fontana, 41 Carroll Dr. I'm a neighbor and I don't have a problem with the addition.

Mr. McVeigh: Do you want landscaping there Mr. Fontana?

Mr. Fontana: I would like to see it properly landscaped.

Mr. Prager: Anyone else? Hearing none.

Mr. Casella: Motion to open the public hearing.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Mr. McVeigh: Motion to grant the variances. They will not be detrimental to the neighborhood. One is substantial and one is not. There will not be an adverse affect to the environment and this is self-created. Proper screening to be installed on the side property line.

Mr. DellaCorte: Second the motion.

Vote: All present voted aye.

Mr. Horan: Let's get on the record that the office in this accessory apartment is due to a person having a handicap. Otherwise this sets a precedent for the future. So this variance is because of special circumstances involving a handicapped family member.

Appeal No. 10-7425

Adams Wappingers, LLC: Seeking variances of Section 240-29 (5) of District Zoning Regulations for HB Zoning.

-Where **No more than one temporary sign is permitted and shall not exceed 6 sq. ft. in area, whether it is for construction or sales,** The applicant is proposing **2 temporary signs during construction,** thus **requesting a variance of 1 sign.**

-Where **No more than one temporary sign is permitted and shall not exceed 6 sq. ft. in area, whether it is for construction or sales,** The applicant is proposing **2 temporary signs of 36 sq. ft. during construction,** thus **requesting a variance of 30 sq. ft. for the signs.**

The property is located at **160 Old Post Road** and is identified as **Tax Grid No. 6157-04-614375** in the Town of Wappinger.

Present: Michael Augello - Construction manager for Adams

Mr. Prager: Are the mailings in order?

Mrs. Dao: Yes they are.

Mr. DellaCorte: Motion to open the public hearing.

Mr. Casella: Second the motion.

Vote: All present voted aye.

Mr. Augello: *Gave overview of the needed variances.*

Mr. Prager: Will the signs be removed when the construction is done?

Mr. Augello: Yes.

Mr. Casella: The road is steep there, will it be changed?

Mr. Augello: Yes it will be changed and a traffic light installed.

Mr. Prager: Were permanent signs approved ?

Mrs. Roberti: Yes, they were approved at the PB.

Mr. Prager: Is there anyone in the audience with a question or comment. 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 for temporary signage. They will not cause any detriment to the neighborhood and are temporary.

Mr. McVeigh: Second the motion

Vote: All present voted aye.

Appeal No. 10-7426

Friendly Motorcars: Seeking variances of Section 240-29 (5) & 240-27.1 (C) of District Zoning Regulations for HB Zoning.

-Where **No more than one temporary sign is permitted whether it is for construction or sales.** The **applicant is proposing 3 temporary signs during construction,** thus **requesting a variance of 2 signs.**

-Where **a temporary construction or sales trailer shall be permitted as a temporary accessory use to residential and nonresidential development projects, and a building permit shall be issued therefore, subject to the following condition.** **No more than one trailer, whether it is for construction or sales, is permitted per development project, or approved phase thereof.** The **applicant is proposing 6 temporary construction trailers,** thus **requesting a variance of 5 temporary trailers.**

-Where **No more than one temporary sign is permitted and shall not exceed 6 sq. ft. in area, whether it is for construction or sales,** The **applicant is proposing 3 temporary signs: 1st sign is 32 sf and double sided for a total of 64 sf, 2nd sign is single sided and 32 sf., 3rd sign is 16 sf and double sided for a total of 32 sf. All three signs total 128 sq. ft. during construction,** thus **requesting a variance of 122 sq. ft. total for the signs.**

The property is located at **134 Old Post Road** and is identified as **Tax Grid No. 6157-04-633403** in the Town of Wappinger.

Present: Jennifer Suite - For the Applicant (Michael Ostrow's Daughter)

Mr. Prager: Are the mailings in order?

Mrs. Dao: Yes they are.

Mr. Casella: Motion to open the public hearing.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Ms. Suite: I am here seeking variances for multiple trailers and two temporary signs.

Mr. Prager: What is the Claris sign for?

Mrs. Roberti: It is the name of the contractor.

Mr. Horan: The signs requested are due to the construction set to begin. They convey who is on the site with contact information for the engineering.

Ms. Suite: There is an emergency telephone number listed on the sign.

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

Mr. Zorillo: William Zorillo, 17 Beechwood Circle. Is it 6 more trailers for storage?

Ms. Suite: It is seven total. They may be used for an office or storage.

Mr. Prager: Will there be additional signage?

Ms. Suite: Only what was approved on the plans.

Mr. Zorillo: Will the trailers be in the back? My house backs up to this property.

Ms. Suite: I can make sure the trailers stay on the south side.

Mr. Prager: How long will the construction take?

Ms. Suite: Hopefully they will be done by next summer.

Mr. DellaCorte: Motion to close the public hearing.

Mr. Casella: Second the motion

Vote: All present voted aye.

Mr. DellaCorte: **Motion to grant a variance for 6 additional temporary construction trailers and three temporary signs for the construction phase. This will not be detrimental to the neighborhood, is self-created but is temporary.**

Mr. Casella: Second the motion.

Vote: All present voted aye.

Appeal No. 10-7427

Richard Finnerman: Seeking a variance of Section 240-29 (5) of District Zoning Regulations for GB Zoning.

-Where **No more than one temporary sign is permitted and shall not exceed 6 sq. ft. in area, whether it is for construction or sales,** The applicant is proposing a temporary **“For Lease” sign of 24 sq. ft., thus requesting a variance of 18 sq. ft. for the sign.**

The property is located at **1515-1525 Route 9** and is identified as **Tax Grid No. 6158-04-572057** in the Town of Wappinger.

Present: Sam Finnerman - Brother of property owner

Mr. Finnerman: We are looking for a temporary sign in order to market the property. Pizza Hut will be leaving as of March 2011 and we would like to start now looking for a tenant.

Mr. Prager: When do you want the sign up?

Mr. Finnerman: ASAP.

Mr. Prager: How long will the sign be up, it could take years to lease the property.

Mr. Finnerman: I don't think it will take that long.

Mr. Casella: Where will it be?

Mr. Horan: Part of this property is actually in the Village of Wappingers.

- Mr. Prager: Can there be a stipulation of time for the sign.
- Mrs. Roberti: According to 240-29 (5) the sign can be up no longer than 6 months.
- Mr. Horan: They can renew the sign.
- Mr. Prager: We will set your public hearing for October 12, 2010.
- Mr. Finnerman: Thank you.

Appeal No. 10-7428

Stage Door Furniture: Seeking variances of Section 240-29 (5) of District Zoning Regulations for HB Zoning.

-Where **No temporary sign shall exceed 6 sq. ft. in area, whether it is for construction or sales,** the **applicant is proposing (2) temporary signs of 240 sq. ft. each and (1) freestanding sign of 28 s.f.,** thus **requesting a variance of 490 sq. ft. for the three temporary signs.**

-Where **No more than one temporary sign is permitted on each street frontage,** the **applicant is proposing (2) temporary wall signs and (1) temporary freestanding sign,** thus **requesting a variance of 2 temporary signs.**

The property is located at **1 Stage Door Road** and is identified as **Tax Grid No. 6156-02-777824** in the Town of Wappinger.

- Present: Jed Ackerman – owner of property and business.
- Mr. Ackerman: I am requesting two temporary signs to help while we close the store and move to my Pawling location. I would like them up for 75 days.
- Mr. Casella: We have seen many of your going out of business signs in the past.
- Mr. Prager: Why 75 days?
- Mr. Ackerman: We will be closing the store by the end of the year.

Mr. Beale: As a councilman for the town, I have received many calls about all your signs stating your going out of business. Including you putting signs up and down Route 9.

Mr. Ackerman: I don't do that.

Discussion continued between Mr. Beale and Mr. Ackerman.

Mr. Prager: I want a site inspection on this Saturday. Your public hearing will be October 12th, 2010.

Mr. Ackerman: Thank you.

Mr. McVeigh: Motion to adjourn.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Meeting ended at 9:00 PM

Susan Dao, Acting Secretary
Town of Wappinger Zoning Board

Respectfully submitted,
Barbara Roberti, Zoning Administrator
July 18, 2012