

MINUTES

**Town of Wappinger
Zoning Board of Appeals
April 10, 2012**

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

Summarized Minutes

Members:

Mr. Prager	Chairman
Mr. Dellacorte	Member
Mr. Casella	Member
Mr. Johnston	Member
Mr. Galotti	Member

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Rose	Secretary
Mr. Horan	Attorney

SUMMARY

Dante M. DiStasio:

- Public Hearing-Variance Granted

NYCDEP Shaft 6

-Public Hearing-Adjourned until SEQRA Report

Reed Swenson

-Discussion - Moved to April 26, 2012

James Mathiasen

-Discussion – PH set April 26, 2012

Campbell & Johnson

-Discussion – PH set April 26, 2012

Sinclair & Kunzer

-Interpretation

Appeal No. 12-7458:

Dante M. DiStasio Seeking a variance of Section 240-37 of District Zoning Regulations for R-40 Zoning District.

-Where **a rear yard setback of 25 feet is required**, the applicant is **proposing a rear yard setback of 23 feet**, to allow the construction of a deck 24' x 12' in rear deck, **thus requesting a variance of 2 feet**.

The property is located at **68 Fieldstone Loop** and is identified as **Tax Grid No. 6257-06-325778** in the Town of Wappinger.

PRESENT: Owner – Dante M. DiStasio

Mr. Prager: Are all mailings in order?

Mrs. Rose: Yes Sir

Mr. Prager: Motion to Open Public Hearing

Motion: Mr. Johnston

Second: Mr. Casella

All in Favor: Aye

Mr. DiStasio: Explained the need for the variance.

Mr. Prager: We were out there for a site inspection. It is basically a replacement deck.

Any questions from the board? Anyone in the audience have any questions?

Mr. Prager: Let the record show that there is nobody for or against this variance. Motion to close the early.

Motion: Mr. Johnston- Motion to close the Public Hearing

Second: Mr. Casella

All in favor: Aye

Mr. Prager: Motion to grant or deny this variance

Mr. Casella: Motion to grant the variance: It's not undesirable change to the neighborhood, it's only 2 feet, it's not detriment to nearby properties, and there are no adverse effects to the environment – I make a motion to grant the variance.

Mr. Johnston: Second the motion

**Roll Call Vote: Mr. Dellacort – Yes
Mr. Johnston – Yes
Mr. Galotti – Yes
Mr. Casella – Yes
Mr. Prager – Yes**

Appeal No. 12-7456

NYCDEP Shaft 6 – Seeking five (5) variances of Section 240-27 & 240-37 of District Zoning Regulations R-80 Zoning. The property is located at **195-209 River Road** and is identified as **Tax Grid No. 6056-01-288977** in the Town of Wappinger.(Canale)

1. Where **one (1) construction trailer is allowed**, the applicant is **proposing up to ten (10) temporary construction trailers to allow the NYCDEP requirement of multiple contractors on publicly-bid projects. Each contractor to provide its own construction trailer to be used as an office**, thus requesting a variance **of nine (9) temporary trailers**.
2. Where **one (1) storage container is allowed**, the applicant is **proposing up to forty-five (45) storage containers for sound mitigation**, thus requesting a variance of **forty-four (44) temporary storage containers**.
3. Where **a side yard setback of 80 feet is required for storage containers from the property line**, the applicant is **proposing a side yard setback of 40'**, to allow placement of double-stacked empty storage containers as a noise barrier along one (1) property line, **thus requesting a temporary variance of 40'**.
4. Where **two (2) square feet is allowed for signage in a residential neighborhood**, the applicant is **proposing thirty-two (32) square feet**, to allow one (1) 4-foot by 8-foot site identification sign at the entrance to its property, **thus requesting a variance of for signage of thirty (30) square feet**.
5. Where **ten (10) percent maximum lot coverage is allowed**, the applicant can **provide thirteen and four-tenth (13.4) percent** lot coverage on the site upon completion of the project, **thus requesting a variance of three (3) and four-tenths (.4) percent additional lot coverage**.

Mr. Prager: Read a letter from the DEP concerning the construction trailers and module buildings

Mr. Prager: Are all the mailings in order?

Mrs. Rose: Yes

Mr. Prager: Motion to open Public Hearing?

Mr. Galotti: I motion to open the public hearing

Mr. Casella: Second the motion

All in Favor: Aye

Present: Phil Simmons- NYC Dept of Environmental Protection
Chris Villari- Outreach Lead For The Water for the Future Program

Mr. Prager: You gentleman where hear previously, since there are people here in the audience that are interested please give a brief description of what the project is about.

Mr. Simmons: Description of upcoming NYCDEP aqueduct project explained. Explanations and descriptions of the containers were explained.

Mr. Prager: Will the containers be removed after the job is done?

Mr. Simmons: Yes Sir.

Mr. Prager: After a stage in the project is completed the container will be removed before the next container is brought in for the next stage of the project.

Mr. Simmons: Construction trailers will be gone.

Mr. Prager: The sign discussed early will it be bigger than the sign already there?

Mr. Simmons: Roughly the same size.

Mr. DellaCorte: Would like to make a request concerning the containers being used for the noise mitigation. That they are not bright orange.

Mr. Prager: Do you have any idea of what the color will be?

Mr. Simmons: Right now we have them as green and we are working with the planning board to come up with a suitable color.

Mr. Horan: This application is subject to review under the SEQRA process. Mr. Horan continues to explain review process in great detail.

Mr. DellaCorte: I still don't feel my question was answered.

Mr. Prager: No decisions can be made until the SEQRA review is completed. We can take input and we can close the public hearing but no decisions can be made.

Mr. Prager: For the record a site visit was made by all members of the board and it was very informative.

Mr. Prager: Mr Casella do you have anything to say?

Mr. Casella: No, Sir.

Mr. Prager: Then I will open it up to the audience.

Mr. Prager: Please state your name.

Virgina Stotz: Why are the containers only going to be 40 feet from the property line instead of 80 feet?

Mr. Simmons: It is easier to show you here on the map. The layout of the land and where the shaft is being dug causes us to have to only go 40 feet.

Virgina Stotz: Thank you very much.

Mr. Prager: Does anyone else have any questions?

Keith Pierson: Projected time to completing this?

Mr. Simmons: Our projected time to start is early 2013 and completed in 2020 or 2021. Taking into consideration the portion of the project on shutting down the tunnel to connect to the by-pass tunnel. It cannot be done during a drought year.

Mr. DellaCorte: When will the mitigation containers be removed?

Mr. Simmons: They will be removed at the end of the project because there still will be work being done even when we are under ground.

Mr. Horan: Explains in detail the different project schedules.

Mr. Prager: Yes sir.

Mr. Mathiasen: Where is the material that is being removed going?

Mr. Simmons: We don't have a final resting place for it yet. Our typical process is to have the contractor take care of that material. We do have constraints and we are working with the NYS Dept of Environmental Conservation to make sure it is handled correctly.

Mr. Mathiasen: My concern is 10 years of heavy trucks on the roads and the wear and tear of these roads and as a tax payer I would like to know who pays for the road repairs?

Mr. Villari: This is valid comments. The short answer is that we negotiated with the town to do an annual inspection of the roads that will have the truck traffic.

Mr. Villari: Every aspect of this project has been looked at by the town and with the town. There has been many reconfiguring and accommodating for the town.

Mr. Horan: The Town Board voted on to negotiate a memorandum of understanding between the DEP and the town. He then continues to explain the memorandum.

Mr. Prager: Yes, please come on up we have a recorder here

Ms. Weyant: Regarding the water into the Chelsea Hamlet, will we need a filtration plant?

Mr. Horan: That is part of the negotiation.

Ms. Weyant: What is the cost of water going to be for the people in the hamlet? When the water was going to come from Fishkill the cost was more than the state standards

Mr. Horan: That is what is being looked at in the memorandum of understanding.

Ms. Weyant: Another thing is the truck route in the hamlet? Is there going to be signage so they don't go up the other streets? Will there be any hazardous materials transported?

Mr. Villari: No crushed rock.

Ms. Weyant: Where are the containers going to be placed?

Mr. Simmons: Let me show you on the map.

Ms. Weyant: We need signage to Route 9D

Mr. Prager: Mr. Horan I think we have enough information to close this. We will wait for SERQA to be concluded to make a decision.

Ms. Roberti: We will get them on the agenda as soon as SERQA is concluded.

Mr. Casella-Motion to Close the Public Hearing

Mr. Johnston-Second

Vote: All in favor-Aye

DISCUSSION:

Appeal No. 11-7442 - At the request of **Reed Swenson** who is seeking a variance of Section 240-37 of District Zoning Regulations for an R-20 Zoning District.

-Where **a front yard setback of 75 feet is required on a State/County Highway**, the applicant is **proposing a front yard setback of 50 feet**, to allow for the construction of new residential housing, **thus requesting a variance of 25 feet**.

The property is located at **New Hackensack Road** and is identified as **Tax Grid No. 6158-02-948876** in the Town of Wappinger.

Mr. Prager: At the request of the attorney, Mr. Swenson asked for adjournment pending information from the planning board.

Mr. Horan: What recommendations are we waiting for from the planning board?

Mr. Prager: Mr. Horan since this was already closed should we reopen?

Mr. Horan: What additional information are we seeking?

Mr. Prager: What their feelings are and their recommendations. I thought we could not take any more information after this was closed.

Mr. Horan: We could always reopen.

Mr. Prager: Can I have a motion to reopen the public hearing

Mr. Galotti: Motion to open the public hearing

Mr. Johnston: Second the motion

All in favor: Aye

Mr. Prager: We are still waiting for the Planning Boards recommendation. Hopefully it will be here for the 26th which is a Thursday. It is being moved because of a Zoning class.

Mr. Horan: We need a motion to adjourn to the 26th.

Mr. Prager: Do we have a motion to adjourn to the 26th?

Mr. Johnston: Motion to adjourn to April 26th.

Mr. Casella: Second

All in Favor: Aye

Appeal No: 12-7460

J. Mathiasen Seeking a variance of Section 240-37 of District Zoning Regulations for R-40 Zoning District.

-Where **the front yard setback of 50 feet is required**, the applicant is **proposing a front yard setback of 19.3 feet**, to allow the construction of an attached 2 car garage **thus requesting a variance of 30.7 feet**.

The property is located at **8 Conner Rd.** and is identified as **Tax Grid No. 6157-01-038921** in the Town of Wappinger.

Mr. Prager: Who is here to speak about this?

Mr. Mathiasen: James Mathiasen of 8 Conner Road

Mr. Prager: Please explain why the variance is needed and if more information is needed we ask you to bring it back and hopefully we can have a public meeting on the 26th.

Mr. Mathiasen: House was built in 1832 prior to any zoning laws. Mr. Mathiasen continued his explanation.

Mr. Prager: What we will do is set a site visit and take a look at the property.

Mr. Casella: Why don't you make the garage flush with the house?

Mr. Mathiasen: No matter where I put it I would need a variance because I'm so close to the road. Mr. Mathiasen continues with his explanation.

Mr. Prager: We will schedule a site visit this weekend. The Public Hearing will be set for the next meeting. This will be on April 26th.

Appeal No. 12-7461

C. Campbell & V. Johnson Seeking a variance of Section 240-37 of District Zoning Regulations for R-20/40 Zoning District.

-Where **the front yard setback of 50 feet is required**, the applicant is **proposing a front yard setback of 41 feet**, to allow the demolition of front porch and construct new mudroom, **thus requesting a variance of 9 feet**.

The property is located at **125 Curry Rd.** and is identified as **Tax Grid No. 6157-02-515620** in the Town of Wappinger.

Mr. Campbell: Carl Campbell of 125 Curry Road. Mr. Campbell gave a lengthy describes of his proposed project.

Mr. Prager: Mr. Prager and Board reviewing architect's plans with Mr. Campbell.

Mr. Prager: Requesting copies of architect's plans be sent to all board members before site visit this weekend. Public Hearing will be schedule for April 26th.

Interpretation:

Appeal No. 12-7459

Sinclair & Kunzer.- Seeking an Interpretation of Section 240-37: Where the fabricating, assembling, finishing or repair of goods are not permitted in an HB zoning district. The applicant feels their business is consistent and less intensive then surrounding businesses. The property is located **767 Old Route 9** and is identified as **Tax Grid No. 6157-02-524976** in the Town of Wappinger.

Mr. Prager: Please come up and state your name

Mr. Kunzer: Jonathan R Kunzer

Mr. Prager: Please explain exactly what you need.

Mr. Kunzer: What we would like to do is help the community by opening a lawn and garden shop.

Mr. Prager: Selling,

Mr. Kunzer: Selling new lawn mowers, weed whackers, etc. and repairing them. Environment safe shop for repairs. Mr. Kunzer continued his explanation of the proposed shop. He will also be installing a self contend cleaning unit.

Mr. Casella: Do you deal with distributors?

Mr. Kunzer: Yes

Mr. Prager: Let's go back to the drawing of the building. Does everyone have a drawing?

Mr. Prager: Are you changing any of the structure of the building?

Mr. Kunzer: No

Mr. Prager: Where in the building are you going to do the repairs?

Mr. Kunzer: The repairs will be in the back area. Mr. Kunzer continued to explain the layout of proposed shop.

Mr. Casella: What is in the building today?

Mr. Kunzer: It is vacant.

Mr. Horan: For the board's information, Mr. Horan continues to explain the zoning restrictions.

Mr. Horan: I just had a discussion with Barbara and she is willing to revisit her original decision and says that she rescinds her original decision.

Mrs. Roberti: You just need to get a change of occupancy

Mr. Prager: Any other business to come to the Zoning Board of Appeals?

Mr. Prager: Make a motion to adjourn.

Mr. Galotti –Motion to Adjourn

Mr. Johnston-Second

All in Favor- Aye

Meeting ended: 8:50PM

Respectfully Submitted,

Susan Rose, Secretary
Zoning Board of Appeals