

MINUTES

**Town of Wappinger
Zoning Board of Appeals
April 26, 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-Absent

Others Present:

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

SUMMARY

Reed Swenson

-Discussion - Postponed to June 26, 2012

James Mathiasen

-Public Hearing – Postponed May 8, 2012

Campbell & Johnson

-Variance- Approved April 26, 2012

David S Crawford

-Discussion-Continue May 22, 2012

Mrs Rose: Mr. Prager did everyone attend the site visits.

Mr. Prager: Yes.

Adjourned Public Hearing:

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: I have a letter here from Mr. Swenson's attorney, I would like to read. I would like a motion to open the public hearing then I will read the letter from the attorney. Do I have a motion to open the hearing?

Mr. Casella: Motion to open the public hearing.

Mr. Johnston: Second the motion

Mr. Prager: All in favor.

Board Members: Aye

Mr. Prager: Explains that Mr. Olsen, who is the attorney for Mr. Swenson, will be in Rhinebeck on May 12th and would like the Public Hearing be moved to June 26th. We will accept this. Do I have a motion to adjourn the hearing?

Mr. Horan: Please ask if there is anyone in attendance.

Mr. Prager: I believe there is no one here for this public hearing.

Mr. Casella: Motion to adjourn the public meeting.

Mr. Johnston: Second the motion

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: Sue, are the mailings in order.

Mrs. Rose: No Sir.

Mr. Prager: None of them have been sent back.

Mrs. Rose: No

Mr. Prager: We will have this republished and have the public hearing on May 8th.

Mr. Prager: Is anyone here for this public hearing?

Mr. Prager: We did have the site inspection for this.

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. Prager: Are all the mailings in order?

Mrs. Rose: Yes

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

Mr. Johnston: I make the motion to open the public hearing.

Mr. Casella: Second the motion

Board Members: All in favor.

Mr. Campbell: Explains the work that he is requesting the variance for.

Mr. Prager: We did get your drawings and we did do a site visit.

Mr. Prager: Is anyone in the audience for or against the appeal?

Mr. Prager: Let the records show that there is no one in the audience.

Mr. Prager: I would like a motion to close the appeal.

Mr. Casella: I make a motion to close the appeal

Mr. Johnston: Second the motion

Mr. Prager: Does anyone want to make a motion to grant this variance.

Mr. Casella: Motion to grant the variance: It's not undesirable change to the neighborhood, it's only 9 feet, it's not a detriment to nearby properties, and there are no adverse effects to the environment – I make a motion to grant the variance.

Mr. Johnston: I second the motion

Mr. Prager: Roll call vote.

Mr. DellaCorte: Yes
Mr. Johnston: Yes
Mr. Galotti: Absent
Mr. Casella: Yes
Mr. Prager: Yes

Mr. Prager: Motion has been granted and will be filed in 5 days.

Mr. Prager: Before we go any further, can I have a motion to accept the minutes from February 28, 2012.

Mr. Casella: I make a motion to accept the February 28, 2012 minutes

Mr. Johnston: I second the motion

Mr. Prager: All in favor

Board Members: Aye

Discussion:

Appeal No. 11-7452

David S Crawford-Seeking a Use Variance of Article IV, Section 240.83 and Section 240-37 in the District Zoning Regulations for an NB Zoning District.

Applicant is seeking a Use Variance for the use as a contractor's yard in a neighborhood/business district.

The property is located **Old State Road and Rt 9D** and is identified as **Tax Grid No. 6057-04-826136** in the Town of Wappinger

Mr. Prager: Mr. Crawford if there is any other information we need we would ask you to bring it to another meeting. Tell us what you need and why you are here.

Mr. Crawford: I have a triangle piece of property on Old State and Route 9D. My business has been there for 36 years it was originally part of the farm that was my grandfathers. My father ran Chelsea door company which is now run by my sister. Years ago they deemed it a neighborhood business.

Mr. Prager: Mrs. Roberti, do you know when zoning started?

Mrs. Roberti: 1963

- Mr. Crawford: Continues to explain to the board the neighbors adjacent to his property and what their businesses are and how they were deemed neighborhood business. Continues to explain how far back the property has been in his family.
- Mr. Prager: What do you do with the property in question?
- Mr. Crawford: Storage. I run a little remodeling business. Three or four guys work for me, depending on how busy I am.
- Mr. Prager: Is there a building on the property.
- Mr Crawford: No. One shed and three trailers.
- Mr. Crawford: Explains to the board where on Old State Road he and his family live and what house belongs to what family members. Explains all the property was in Frank Crawford's name until 1997 then was broken up.
- Mr. Casella: What do you actually want to do?
- Mr. Crawford: Keep running my business and make a living.
- Mr. Horan: What was the violation that was issued?
- Mrs. Roberti: Unpermitted contractor's yard.
- Mr. Horan: Unpermitted contractor's yard. What we need to look at in addition to a use variance is if this is a continuation to a prior nonconforming use.
- Mr. Prager: What kind of trailers are on the property?
- Mr. Crawford: Tractor trailers. Only the trailers.
- Mr. Prager: Is that where you store your tools?
- Mr. Crawford: Yes
- Mr. Horan: Explains to the board the process of looking at the use variance compared to the continuations of the nonconforming use and the time line. We will need to do an investigation.
- Mr. Prager: Yes, I would like to ask Mr. Crawford if you could get the board for the next time we meet a time line; from 1963 on. What was on the property when was the trailer brought on?

- Mr. Horan: Even if you go back earlier, like the 1950's.
- Mr. Crawford: I could back to 1939.
- Mr. Prager: That would be great. Whenever there was a change I would like to know about it. Especially, when did you put those trailers on there for storage?
- Mr. Prager: Jim, anything else?
- Mr. Horan: At one point you said there was a wood cutting type of operation?
- Mr. Crawford: Yes fire wood and stuff. It's been the family property since 1939.
- Mr. Horan: Addresses the board about the use variance versus neighborhood business.
- Mr. Crawford: Again explains the history of the property in respect to his family.
- Mrs. Roberti: Explains to the board the violation that was issued and the length of time this has been going on.
- Mr. Prager: Mr. Horan, what is your recommendation?
- Mr. Horan: Because the nature of this property, it may qualify for a use variance. It has a weird shape, triangular shape. The question will ultimately be, what other uses would be permitted? Mr. Horan continues to explain what other uses are excitable for this property.
- Mr. Crawford: What I am looking at is 4th generation to use the property.
- Mr. Prager: The storage started with you. We really need to get the time line.
- Mr. Crawford: The storage goes back to my grandfather.
- Mr. Prager: What did he store on it?
- Mr. Crawford: Boats and stuff. We had a shop set up.
- Mr. Johnston: Was there a structure there?
- Mr. Crawford: Yes but it fell down years ago.
- Mr. Horan: Questions if there are any wet lands?
- Mr. Crawford: On the other side of the power lines.
- Mr. Horan: Any flood plain issues?

- Mr. Crawford: Yes on the other side of this. (Looking at map)
- Mr. Horan: There may be some constraints on this property that may entitle Mr. Crawford to get a use variance.
- Mrs. Roberti: I can go on GIS and check the hydrology of the property.
- Mr. Prager: We are going to need more information to continue this discussion.
- Mr. DellCorte: Are you going to make changes to the property?
- Mr. Crawford: No I have no plans to change anything.
- Mr. DellCorte: So the shed and trailer will be left there with no additional
- Mr. Crawford: Yes, in fact one of them is going to go. We don't park there, or work there. I'm down there maybe once a day. I get what I need and I leave.
- Mr. Horan: Is the property fenced?
- Mr. Crawford: No.
- Mr. Prager: Is there a drive way into the property?
- Mr. Crawford: Off of Old State Road.
- Mr. Prager: Board Members and Mr. Crawford review map.
- Mr. Prager: Explains the criteria of a use variance.
- Mr. Horan: Explains to the board some of the criteria that has been met and what needs to be met.
- Mr. Crawford: This is my son Luke.
- Mr. Luke Crawford: Would wood working and craft artisan work?
- Mr. Horan: I think it would probably work.
- Mr. Luke Crawford: Building cabinets
- Mr. Casella: Does retail sales or services stretch the rules?
- Mrs. Roberti: He is not selling the stuff out of the trailers.

- Mr. Casella: But he is storing stuff to sell.
- Mrs. Roberti He is just storing.
- Mr. Horan: I think the craft artisans and wood working may work.
- Mr. Crawford: Chelsea Woodworking is my business. We do renovations. We are not contractors.
- Mr. Johnston: Where do you do the drawings?
- Mr. Crawford: My house and my backyard and garage are where we do the building.
- Mr. Johnston: What is in the shed?
- Mr. Crawford: Pressure washer, some motorcycle parts, pumps jacks.
- Mrs. Roberti: Do you have a map that precedes this one?
- Mr. Horan: If we say this is a craft artisan and wood working business in a NB Zone working out of the shed.
- Mr. Prager: Get the time line in and come back May 8th I'm not going to make a public hearing yet. As long as we are talking the court date can be adjourned.
- Mrs. Roberti: You can't wait for every. You need to get the information and bring it in so Sue and get the copies to the board so they can review them.
- Mr. Prager: Why don't we move it out to two meeting?
- Mrs. Rose: That would be May 22nd.
- Mrs. Roberti: But try to get the information to us in the office by May 8th. So that would give them a week and a half to review it.
- Mr. Prager: Can I have a motion to go into executive session.
- Mr. Casella: I make a motion to go into executive session for legal advice.**
Mr. Johnston: I second the motion
Mr. Prager: All in favor
Board: Aye

After Executive Session:

Mr. Prager: Mr. Prager reads a letter from the Zoning Administrator concerning Sinclaire & Kunzer. Did they submit a change of occupancy yet?

Mrs Roberti: I believe so. I was on vacation.

Mr. Casella: What do you consider as soon as possible? A month?

Mrs. Roberti: I asked Mark to sign off on it. With my letter I said consider this my signature.

Mr. Prager: With no further business I make a motion to adjourn.

Mr. Johnston-Motion to Adjourn

Mr. Casella-Second

All in Favor- Aye

Meeting ended: 8:50PM

Respectfully Submitted,

Susan Rose, Secretary
Zoning Board of Appeals