

Peter Galotti-----Here
Barbara Roberti----Here

Mr. Prager: First on the agenda is the acceptance of the minutes from May 14, 2011.

Mr. Casella: I make a motion to accept the minutes.

Mr. Galotti: I second the motion.

Mr. Prager: All in favor?

Board: Aye.

Public Hearing:

Mr. Prager: The second item on the agenda is a Public Hearing on:

Appeal No. 12-7468

Tony Scott – Is seeking a variance of Section 240-37 in the Zoning Laws of the Town of Wappinger . No footprint greater than 600' for an accessory building. The applicant can provide 1440 square feet thus requesting a variance of 840 square feet for a 3 bay detached garage.

-Section 240-30 states- There shall be a maximum of two accessory building on a residentially used or residentially zoned lot, and no such accessory building shall have a footprint greater than 600 square feet nor a height in excess of 20 feet.

The property is located **6 Wild wood Drive** and is identified as **Tax Grid No. 6158-02-839730** in the Town of Wappinger.

Mr. Prager: Sue are all the mailings in order?

Mrs. Rose: Yes sir.

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

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

Mr. Galotti: I second it.

Mr. Prager: All in favor?

Board: Aye

Mr. Prager: For the record, please state your name and where you live.

- Mr. Scott: My name is Tony Scott and I live a 6 Wildwood Drive.
- Mr. Prager: For the record, please explain why you need that building.
- Mr. Scott: I have collector cars and I'm looking for a secure storage for them.
- Mr. Prager: Why this size?
- Mr. Scott: I have four (4) collector cars right now.
- Mr. Prager: We are looking for a foot print of 40 X 36 and 26' high. Does anyone have any questions on the board?
- Mr. Galotti: Where are the cars now?
- Mr. Scott: I have three (3) in my garage and one in storage.
- Mr. Galotti: You will be able to fit these in the new garage.
- Mr. Scott: They will be double deep. There will be enough space where no kids bikes are leaning on them which is happening know.
- Mr. Johnston: There is an upstairs staircase also?
- Mr. Scott: There is exterior access to the upstairs.
- Mr. Johnston: 6 X 8 feet. Is there a reason it has to be that size?
- Mr. Scott: It seems like an appropriate landing. The whole design is trying to mimic my house.
- Mr. Casella: What happens if you make it a 20 foot instead of a 26 foot? What changes?
- Mr. Scott: You mean deep.
- Mr. Prager: Deep?
- Mr. Casella: No height.
- Mr. Scott: I lose my upstairs storage.
- Mr. Casella: Based on what the map says you have 9 feet for the 2 floors. What happens to the 18 feet going up to 26 feet? What are you going to do with that storage?

- Mr. Scott: I think that is the roof line. There is a very small portion of the building will be the 2nd floor.
- Mr. Casella: So that is only part of the roof.
- Mr. Galotti: The pitch of the roof gives him the other 6 feet.
- Mr. Della Corte: You plan on storing things up there?
- Mr. Scott: Yes.
- Mr. Galotti: You are storing thing in the loft but above the loft there is a small attic space with rafters. My guess is you are not going to put anything up there.
- Mr. Housekeeper: That area you are talking about is dead space. Above of that is the collar ties which is the support for the roof it's just dead space, nothing can go up there if you do put anything up there you would put too much weight on the roof and you could damage the building. The actual 2nd floor that is going to be 26 feet in length and 24 feet deep , it's not the full length of the building. The last 13 feet is open all the way up to the roof. It's about 1/3 smaller than you are actually thinking.
- Mr. Prager: So actually it's 26' 8" to that little shed part?
- Mr. Housekeeper: To the shed part in the back its 24 foot of the main structure and a 12 foot shed off the back. The second floor is actually 26 foot 8.
- Mr. Prager: So what are you gaining by putting that last 13' 4" on there with that shed roof.
- Mr. Scott: For the down stairs?
- Mr. Prager: Yes.
- Mr. Scott: That's additional to get all my cars in the same building. They are 17 feet long. I have a diagram on how it will lay out.
- Mr. Prager: That will be helpful.
- Board: Reviews diagram that Mr. Scott brought.
- Mr. Prager: I am glad you brought that, it's a big help. Don't you have another garage?
- Mr. Scott: Our everyday cars go in there.

- Mr. Della Corte: The cars are going to be two deep.
- Mr. Prager: We are a little hesitant because it's a big building. It's way over 100%. What is the width of the cars?
- Mr. Scott: Six (6) feet.
- Mr. Housekeeper: When you open the doors of the cars you need at least 10 to 11 feet per car because when the doors are fully open. If not, the door will be hitting the other car and he has collector cars.
- Mr. Galotti: What size are the garage doors?
- Mr. Housekeeper: They are standard garage doors, 9 feet wide.
- Mr. Prager: Does anyone else have any questions?
- Mr. Galotti: Each bay is 13 feet wide with a 9 foot door. Is that correct?
- Mr. Housekeeper: Correct.
- Mr. Galotti: The thing we are wrestling with is the overall foot print of the building. The footprint itself is 1440 square feet and that is over double what we generally aloud.
- Mr. Housekeeper: The zoning law changed back in January prior to that there was no foot print regulation. I actual came in and spoke to the town engineer and two other people in the building department and I brought the plans in to get an idea if this was going to be approved and I got a go ahead and do the plans.
- Mrs. Roberti: This would not have been a problem a few months ago.
- Mr. Housekeeper: That was early April.
- Mrs. Roberti: The law changed in that time frame but not everyone was aware that the law was changing.
- Mr. Housekeeper: I meet with Mr. Scott and before I sign a contract with anyone I always go to the town to talk about the project. The town said go ahead and now Mr. Scott has laid out a lot of money. Blue prints are done; engineering fees, there has been a lot of time also invested in this project. Maybe we came in right at the change date but I did everything by the book. I sat down with the town engineer and two other people in that office.
- Mr. Della Corte: Do you know who the other two people were?

- Mr. Housekeeper: One was a building inspector.
- Mrs. Roberti: I was one of them.
- Mr. Della Corte: So you are vouching for him.
- Mrs. Roberti: Yes.
- Mr. Galotti: The other thing we need to discuss is that you have two sheds on the property. If this is granted, one would have to go.
- Mr. Housekeeper: He knows one has to go.
- Mr. Della Corte: Within 30 days.
- Mr. Housekeeper: 30 days of C/O?
- Mrs. Roberti: That would be fair if he had to move things over.
- Mr. Housekeeper: So once the building went up, if the building was approved.
- Mrs. Roberti: Actually I would prefer before the C/O was issued.
- Mr. Prager: Which shed are you losing?
- Mr. Scott: The one in the back.
- Mr. Prager: Is that the one with the electric?
- Mr. Scott: Yes. I have to try to sell it.
- Mr. Prager: Anybody in the audience would like to speak for or against this variance.
- Mr. Casella: I'm still struggling with the square footage. What would happen if instead of a 40 X 36 you made it 30 X 36? Can you still do what you need to do? Again this is an excessive variance that you are requesting. Typically we don't grant variances this excessive. Can you make it smaller?
- Mr. Housekeeper: 10 foot bays are too small for what he is doing, if you really wanted to jam three cars yes you could.
- Mr. Casella: I thought this was originally for the 4 collector cars and now you have your truck in there.
- Mr. Housekeeper: Three (3) 10 foot are too small for what he is doing. Say we make it 30

feet across.

Mr. Galotti: How about the depth.

Mr. Scott: It's either go real wide where I get four (4) across which I don't want because it will look too wide for my property. The design of that shed is to make it look much smaller where I still get the depth in the garage itself for proper room around the vehicles. The other design would be to carry that entire roof line and it would look way too large. This was his (Mr. Housekeeper) idea to minimize the structure and still have the same bottom foot print.

Mr. Johnston: If you're going the same depth in doubling up the cars if you shorten the front one because you are only going two (2) garages. Can you go thirty (30) feet for two garages? Is that possible?

Mr. Scott: 30 feet wide by 40 feet deep.

Mr. Housekeeper: What happens is if you go 30 feet wide and 40 deep you have an oblong building. It's an odd size. It won't look right.

Mr. Johnston: You'll only see the front of the building.

Mr. Housekeeper: You'll see it when you pull in.

Mr. Scott: I didn't want something square. I wanted something with design.

Mr. Housekeeper: He wanted something to compliment his house.

Mr. Galotti: Does it have to be 36 feet? We are trying to work with you.

Mr. Scott: 34 feet is bumper to bumper with inches in between; I wouldn't do the project.

Mr. Prager: Where are the cars now?

Mr. Scott: Three are in the garage at home and one is storage. I really don't want it to look like a garage.

Mr. Housekeeper: If it was six months ago would it have made a difference?

Mr. Prager: Probably not. I would like to know the reason for this law.

Mrs. Roberti: It's because small lots, 1/2 acres lots, they were getting approved because they met the setback but the sheds or barns were the same size or larger than the house.

- Mr. Prager: This gentleman has 2.9 areas.
- Mrs. Roberti: If he was down further on Wildwood near Widmer you wouldn't want a garage that size on that size property.
- Mr. Housekeeper: The gentleman on his left has horses.
- Mrs. Roberti: That is what led to this with people with less than 1 area having large accessory buildings. We did discuss on larger lots those people could come in for variances.
- Mr. Prager: That clears it up for me. Can I have a motion to close the public hearing?
- Mr. Johnston: I make a motion to close the public hearing.**
- Mr. Galotti: I second the motion.**
- Mr. Prager: All in favor?**
- Board: Aye.**
- Mr. Prager: Can I have a motion to grant or deny this variance?
- Mr. Della Corte: I make a motion to grant this variance. It can be achieved by another means to the applicant but it's not desirable. There will not be an undesirable change in the neighborhood. The request is substantial. It will not have an adverse physical or environmental defect. The alleged project is self created.**
- Mr. Johnston: Can we amend that it reflects that before the C/O is granted the additional structure be removed.**
- Mr. Della Corte: Prior to the C/O being issued, we are requesting that the shed be removed from your property.**
- Mr. Prager: Can I have a second?**
- Mr. Johnston: I second the motion.**
- Mr. Prager: Roll call vote.
- Mrs. Rose: **Tom Della Corte Yes**
Bob Johnston Yes
Al Casella No
Peter Galotti Based on the circumstances, I'll vote for granting

Mr. Prager: **Then again like Peter just mentioned, I think we do understand the circumstances and the size your property is, I also will grant the variance.**

Mr. Prager: It looks like the variance has been granted.

Mrs. Roberti: The building inspector will call you when the permit is ready.

Mr. Prager: Next on the agenda is:

Appeal No. 12-7469

Stephen & Anita Porter-Is seeking an area variance of Section 240-37 of District Zoning Regulations in an R-20 Zoning District.

-Where a **front yard setback of 35 feet is required**, the **applicant can only provide 26 feet** for the installation of a 10' x 8' front porch with steps, **thus requesting a 9 ft. front yard variance.**

The property is located at **51 Robert Lane** and is identified as **Tax Grid No. 6158-04-914125**

Mr. Prager: For the record I would like you to know I know both of the Porter's and it will have nothing to do with my vote. For the record, please state your name.

Mr. Porter: Stephen J Porter.

Mr. Prager: We will have a site inspection. Now let's hear what you are going to be doing.

Mr. Porter: We are tearing down the structure and replacing it with a 10' x 8'. It's only going to come out a bit. The overall difference to what is there now is that the steps come out about a foot in a half. The porch is there now and I have pictures.

Mr. Prager: Good. The board members review the pictures with Mr. Porter.

Mrs. Porter: The reason we are making it shorter is because the height of the rails are not up to code. We are evening it to the windows.

Mr. Prager: We will make a sight inspection for this Saturday.

Mrs. Roberti: I didn't make him get a survey because when you measure to the road you don't own the first 10 feet. So he has 26feet.

Mr. Prager: So is that what you did, you went in 10 feet and that is how you came up with the 26 feet.

Mr. Porter: Yes.

Mrs. Roberti: The homes in that neighborhood are not set back that far. Measuring from the road and then telling me how far it would come out and what the difference was.

Mr. Prager: When we go out there, if you go to the edge of the road and measured into where the bottom step you will probably come out 36 feet but the town owns the first 10 feet so it's really 26 feet. The next meeting will be the public hearing which is August 28th.

Mr. Prager: The last item on the agenda is:

Appeal No. 12-7470

Elizabeth & Scott Satterlee- Is seeking an area Variance of Section 240-37 of District Zoning Regulations in an R-20 Zoning District.

-Where **35 feet is required to a town road**, the **applicant can only provide 26 feet** for the construction of a 35' X 9' front porch, **thus requesting a 9 ft. front yard variance.** The property is located at **9 Cloverdale Place** and identified as **Tax Grid No 6257-02-992604** in the Town of Wappinger.

Mr. Prager: Please state your name for the record.

Mrs. Satterlee: Elizabeth Satterlee, 9 Cloverdale Place.

Mr. Prager: Please explain what you need.

Mrs. Satterlee: My husband and I want to build a front porch. Right now we have ugly landscaping that I want to cover it. We also just had a baby and I want to sit outside with her.

Mr. Johnston: How big of a porch do you want to put on?

Mrs. Satterlee: It will be 9 feet wide and the length of the house with no roof.

Mr. Johnston: How long is your house?

Mrs. Satterlee: 35 feet.

Mr. Prager: It doesn't look too far off the ground.

Mrs. Roberti: She is at a bigger disadvantage than the prior person because of cul'da'sac.

Mrs. Satterlee: The bed that I have now come out 6 feet and then there is a concrete walk

way so we would have to go past that for the footings.

Mr. Prager: Does anyone have any questions?

Mr. Galotti: Those are your basement windows in the front?

Mrs. Satterlee: Yes.

Mr. Galotti: The porch is going to be below that.

Mrs. Satterlee: Yes

Mr. Prager: It looks like you are going to step down from your house.

Mrs. Satterlee: He pointed out that when it snows you don't want the snow right there.

Mr. Prager: Does anyone else have any questions?

Mr. Della Corte: It looks like it's on the ground. Do you need a permit?

Mrs. Roberti: The only time you don't need a permit is if it's a patio.

Mr. Prager: We will have a sight inspection this Saturday and the public hearing will be at the next meeting which is August 28th.

Mr. Prager: Sue, what's the story with Mr. Swenson?

Mrs. Rose: The applicant is rethinking his application.

Mrs. Roberti: There are issues here more than the front yard setback. Their retention pond is on the property next door, which he also owns, it's a commercial piece. His storm water has to be on the same lot as the sub-division. The engineer he had kept thinking if he kept ignoring us long enough we would allow it. They talked about a lot line but by doing that it would make that lot an odd smaller shape and hard to sell or use as a commercial piece. If he brings the storm water over he may lose a lot or two anyway. The new engineer may be looking to reconfiguring it by pushing the houses back he is already losing two lots and may be able to fit everything in.

Mr. Prager: So at some point we may see this again.

Mrs. Roberti: Yes

Mr. Prager: Do I have a motion to adjourn the meeting?

Mr. Johnston: I make a motion to adjourn the hearing.

Mr. Galotti: I second the motion.

Mr. Prager: All in favor?

Board: Aye

Respectfully Submitted,

Sue Rose, Secretary
Zoning Board of Appeals