

MINUTES

**Town of Wappinger
Zoning Board of Appeals
October 23, 2012**

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

Summarized Minutes

Members:

Mr. Prager	Chairman
Mr. Della Corte	Member
Mr. Casella	Member
Mr. Johnston	Member
Mr. Galotti	Member

Others Present:

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

SUMMARY

Joseph Carino	Adjourn PH-New plans will be submitted
Chapel of Sacred Mirrors	Adjourn PH----- moved to November 13, 2012

Mr. Prager: I would like to call the Town of Wappinger Zoning Board of Appeals to order. Roll call please.

Mrs. Rose: Howard Prager-----Here
Tom Della Corte-----Here
Al Casella-----Here
Bob Johnston-----Here
Peter Galotti-----Here

Mr. Prager: First on the agenda is the acceptance of the minutes from October 9, 2012.

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

Mr. Johnston: I second the motion.

Mr. Prager: All in favor?

Board: Aye.

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

Appeal No. 12-7472

Chapel of Sacred Mirrors-Is seeking an area variance of Section 240-37 of District Zoning Regulations in an R 40/80 Zoning District.

-Where a **side yard setback of 40 feet is required**, the **applicant can only provide 14.6 feet** for construction of an addition to the existing carriage house which will be converted to an art gallery, **thus requesting a 25.4 side yard setback.**

The property is the former Deer Hill Conference Center, **(46-70 Deer Hill Road)**, located on Wheeler Hill Road and is identified by **Tax Grid No. 6057-02-834604** in the Town of Wappinger.

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

Ms. Rose: No sir, this was not published in the Southern Dutchess News but the mailings did go out.

Mr. Horan: What we will do since the mailing are in order we will open the public hearing and take the comments. We will not make a decision and keep the public hearing open. We will publish for any additional people who did not get a mailing.

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: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Cappelli: My name is Alfred Cappelli. I am the architect for the Chapel of Sacred Mirrors. We are proposing an addition to the carriage house that will then be converted into an art gallery. To familiarize everybody with the project on the north side of the parcel is an existing carriage house. We would like to add several additions as outlined in this shaded area here. (Taking place pointing to the map) In the east and to the southwest corner there will be a lobby, elevator and a stairwell. There will be parking to the west side of the carriage house. We want to square off the building and we are not adding any additional footage. We are still in front of the Planning Board for site plan approval. We are here to get approval from you so we can proceed with the Planning Board.

Mr. Prager: I would like to put into the record an e-mail I received from Alex Reese who owns Obercreek and is unable to attend tonight's meeting.

My name is Alex Reese and I am an owner of the adjacent property (Obercreek Farm) to the Chapel of Sacred Mirrors (COSM) property on Wheeler Hill Road. I understand that COSM is seeking a variance of the setback regulation for a planned expansion to an existing carriage house which abuts Obercreek Farm property. This expansion, along with the renovation of the existing carriage house, I believe is for a proposed art gallery space. Public access to this building will be on a one lane drive which also abuts the property line between COSM and Obercreek Farm. Obercreek Farm has an existing barn and rental house very close to the property line with COSM. I would ask that if the board grants such variance that provision be made for adequate screening between the renovated building (and the access road) and Obercreek Farm property. This screening should be created with native evergreen trees and bushes. This may mitigate the visual and audio impact of the proposed renovation on our adjacent property.
Respectfully Submitted
Alex Reese
Obercreek LP

We also received a memo from the Planning Board:

At the September 5, 2012 Planning Board meeting the project, Chapel of Sacred Mirrors came before the board. This property is the former Deer Hill Conference Center, (46-70 Deer Hill Road) located on Wheeler Hill Road. They are seeking a conversion of the existing 4,500 square foot carriage house to a 6,000 square foot art gallery/exhibition space. The property is in the R40/80 Zoning District and sits on 38.7 acres. The Planning Board is sending the applicant to the ZBA to seek approval of certain variances in order for them to proceed with their site plan. The planning Board would like to send their recommendation for you to consider these variances.

Mr. Horan: For the record, at the last Planning Board meeting. The Planning Board entered a Negative Declaration with respect to this project. This particular action is a Type 2 action under SEQRA seeking a single side back setback variance. This determination means that this action would not have a negative impact on the environment.

Mr. Prager: I would like to open the floor to anyone who has any questions or statements for or against it.

Mr. Jordan: My name is Scott Jordan. I live a 15 Bowdoin Lane. I am against this variance. COSM has been noted to have loud parties late at night disturbing all the neighbors. There is chanting and howling. The police have been called. They have said they have calmed down their parties and that is not true. I can see this only increasing traffic and it will increase the noise. I frankly would like to know what is going on back there. Is it a chapel or an art gallery? I feel it is a cult.

Mr. Prager: Just to let you know that what we are looking at tonight is only the variance for the art gallery.

Mr. Horan: Al, can you point out on the map where 15 Bowdoin Lane is.

Mr. Cappelli: Pointing to map indicates the location.

Mr. Prager: Anybody else would like to speak for or against this variance?

Mr. James: My name is Brian James and I am the property manager for the Chapel of Sacred Mirrors. The new building will have an R value of 44 so it will be completely sound proof. We have had a council with the neighbors and Barbara Gutzler. We have changed our events. We are ending them early at night and no loud music. At the last informal meeting with the neighbors, a number of them said the sound was much better. At the last couple of events we made all the concessions we could make.

- Mr. Prager: Will you have any of these events at the art gallery?
- Mr. James: The art gallery will be groups of people of approximately 40 people a day.
- Mr. Prager: How many parking spots are in that lot?
- Mr. Cappelli: 36 parking spaces.
- Mr. James: I don't know what more we can do. We have 16 fund raisers a year. We have spent 1.6 million dollars in renovations, \$82,000 mortgage, and \$50,000 in taxes. 16 events a year helps pay for that. Our full moon service is once a month and ends a midnight. There was drumming outside and we have now moved it inside.
- Mr. Prager: Is that within our sound code.
- Ms. Roberti: As discussed at the Planning Board we never received a complaint. The neighbors were calling the police so we were never a where there was a problem there. The noise ordinance is not enforceable at night because we are not here so they called the police.
- Mr. Prager: Do you have any record of that?
- Ms. Roberti: No.
- Mr. Della Corte: Mr. Reese's property line is very close and Mr. James do you rent the house on the Reese property?
- Mr. James: Yes, we have a five year lease.
- Mr. Cappelli: We did meet with Mr. Reese and at his request for screening we did put it on the plans.
- Ms. Roberti: I spoke to Mr. Reese last week and he could not make tonight's meeting. He had no objection to this variance as long as they put evergreens on his property for buffering.
- Mr. Prager: To make sure I have this correct. The building is not going past the physical building that is there now?
- Mr. Cappelli: That is correct.
- Mr. Prager: I did my site visit today and there is a foundation on the south side. Was there a building there?

- Mr. Cappelli: There was an outside stair tower. (Pointing to the map) there was a barn here and an outside stair tower here and we took down a two car garage.
- Mr. Horan: Was the stair tower in the location where you intend to build?
- Mr. Cappelli: Yes.
- Mr. Johnston: Can we request a report from the police department?
- Mr. Jordan: I wasn't involved in that. I was out of town.
- Ms. Roberti: I'll look into it.
- Mr. Prager: Is this building going to be used for any of these events?
- Mr. James: At this point no. Right now we are having our events at the main house.
- Mr. Prager: We are here for the art gallery not the noise. This has to do with the area variance and I understand your feelings.
- Ms. Jillinski: My name is Maria Jillinski. I live at 1 Cameron Lane. I am concerned about the traffic. Since this facility has opened there has been more traffic. When the art gallery opens, I am concerned about more traffic.
- Mr. Prager: What they are asking for is nothing more than they have now.
- Mr. Jordan: There will be more people and more noise.
- Mr. Long: My name is David Long. I live at 567 Sheaf Road. I have been a resident of Wappingers Falls for 34 years and I have been to events there. I have seen things from both sides of the fence. I did participate in Earth Day a couple of years ago and planted trees there. I have participated in the evening events and have seen them brought indoors. I would like to say I support the new construction.
- Mr. Casella: Brian, how many events do you have there today verse the number of events after the gallery is opened. I know this has nothing to do with the variance but the gentleman is the back has concerns. How much more traffic will it generate.
- Mr. Cappelli: If I can speak for Brian, those events will happen even if this variance is not granted. They have 12 events a year for the full moon and they have 4 additional events which are larger. The Gray's have made it a matter of record that the larger events will be taken off campus. Mr. Gray also made it a matter for the record that the drumming would stop. This is

strictly an art gallery. An art gallery does have events, how often I don't know. It could be once a month or maybe twice a year. We have mentioned it at Planning Board meetings if something is not working please speak up.

Mr. Della Corte: Are these opened to the public?

Mr. Cappelli: Yes.

Mr. James: We had a gallery in Manhattan and during the day a hand full of people would trickle in. The full moon event is held on a different part of the property and has approximately 150 people. We have security staff and parking staff. We have even called the police on a couple of people.

Ms. DiMase: My name is Diane DiMase. I live at 7 Cameron Lane. I know we are not supposed to talk about the noise and traffic but with building 36 more spaces there will be an increase. How do they know how many people are coming on any given day?

Ms. Bhatt: My name is Sasha Bhatt. I live at 21 Rowley Road in Poughkeepsie. I am the youth officer at COSM. I have been to many of the events and the events are much smaller than the full moon. I am there to pick up flyers and it is very, very quiet.

Mr. Galotti: Where you want the elevator, there was an existing stair tower.

Mr. Cappelli: Yes.

Mr. Galotti: In the front of the building where the garage was is the line you are maintaining. At one point in time there was structure already in place where you are seeking the variance.

Mr. Cappelli: Yes that is correct.

Mr. Horan: Al, do you know the square footage of the area you are seeking in this variance?

Mr. Cappelli: 400 square feet in the back and about 800 feet over here (pointing to the map).

Mr. Horan: Now roughly in the setback on the front side of the building.

Mr. Cappelli: We are talking about 17 feet X 25 feet is 400 square feet and the garage was there. (Pointing to the map)

Mr. Horan: When was the garage taken down?

- Mr. Cappelli: I'm going to say last summer.
- Mr. Horan: How about the stair tower?
- Mr. Cappelli: Last summer as well.
- Mr. Casella: Brian, at these events do you have traffic controller because when we took a tour there we went right past the entrance. What sought of traffic control do you have to prevent any accidents? How do you monitor this so no one gets hurt?
- Mr. James: I have two shifts of parking staff. We have someone at the point of contact and someone at the fork in the road and someone to help with parking the cars. We have six people for two different shifts.
- Mr. Prager: Can I have a motion to adjourn this until the next meeting?
- Mr. Horan: Before motion to adjourn, abandonment of a non-conforming structure is 18 months. One of the issues we may have to consider is that there was a non-conforming structure previously at that location. Under the town code they would have the ability to rebuild that structure up to 18 months.
- Mr. Della Corte: What is our time line now?
- Ms. Roberti: The summer was 12 months and we are now in October.
- Mr. Casella: So we are getting close.
- Mr. Horan: Theoretically, they would probably have the right ability to rebuild that structure. We may be able to do an interpretation rather than a variance. I will look at that issue for the next meeting.
- Mr. Casella: Say we do grant the variance, they still have to go back to the planning board?
- Mr. Horan: Regardless of what happens they have to go back to the Planning Board.
- Mr. Casella: Does the clock continue for the 18 months for that?
- Mr. Horan: It's unclear, to the extent that they have an application in that may be considered a tolling of the clock.
- Mr. Casella: They had 12 months in as of this summer if we go two more weeks and then they go to the Planning Board now you are into December.

- Mr. Horan: This issue has come up in the past. They have the right to build as long as it commences within the 18 months. The question becomes commencement of building. Does that mean filing for a building permit or file for site plan approval or is it natural construction? In some respects they may not need a variance.
- Mr. Prager: You will look into this before the next meeting?
- Mr. Horan: Yes. One issue for the board and the public with respect to the parking that is before the planning board there is no variance needed for the parking. Is that a modification of the parking?
- Mr. Cappelli: The parking here is not only for the carriage house but we did a study for all the needs for all the buildings on the site. This parking is for the carriage house, the main house and the little office building. The 36 is not just dedicated to the gallery.
- Ms. Roberti: Al, the garage you took down was that a standalone building or attached?
- Mr. Cappelli: It was a standalone building but there was a brick wall 10 feet long and then the garage.
- Mr. Prager: Can I have a motion to adjourn this to the next meeting.**
- Mr. Galotti: I make a motion to adjourn this to the next meeting.**
- Mr. Johnston: Second.**
- Mr. Prager: All in favor?**
- Board: Aye.**

Public Hearing:

Appeal No. 12-7473

Joseph Carino-Is seeking an area variance of Section 240-37 of District Zoning Regulations in an R20 Zoning District.

-Where a **rear yard setback of 40 feet is required**, the **applicant can only provide 23 feet** for the installation of a 15x24 foot above ground pool and an attached 23' X 30' deck, **thus requesting a 17 foot rear yard setback.**

-Where a side yard setback of 20 feet is required, **the applicant can only provide 10 feet** for the installation of a 15x24 foot above ground pool and a 23'x30' attached deck, **thus requesting a 10 foot side yard setback.**

The property is located at **7 Morgan Court** and is identified as **Tax Grid No. 6258-01-188954.**

Mr. Prager: Next on the agenda is another public hearing. We will open it and adjourn it until the next meeting. Can I have a motion to open the public hearing?

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

Mr. Galotti: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: I heard there is going to be a change.

Mr. Casella: I did too. My question is since this is going to change so does the variance? I think what he is going to do is move it 2 or 5 feet.

Ms. Roberti: With this in mind, she cannot publish the public hearing until he brings in plans.

Mr. Della Corte: The plan is when he comes back he doesn't need a variance?

Mr. Prager: We don't know yet.

Mr. Horan: Is his variance lesser or greater.

Mr. Casella: It is going to be less.

Mr. Horan: Since it is a lesser variance, the original mailings that were sent are still valid.

Mr. Casella: We did not make a commitment that if the variance was less it would pass.

Mr. Prager: Can I have a motion to adjourn this public hearing?

Mr. Galotti: I make a motion to adjourn this public hearing.

Mr. Casella: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: Can I have a motion to accept the meeting dates for 2013?

Mr. Casella: I make a motion to accept the meeting dates for 2013.

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: Can I have a motion to close this meeting?

Mr. Galotti: I make a motion to close the meeting.

Mr. Casella: Second.

Mr. Prager: All in favor?

Board: Aye.

Respectfully Submitted,

Sue Rose, Secretary
Zoning Board of Appeals