

MINUTES

**Town of Wappinger
Zoning Board of Appeals
June 25, 2013**

**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. Barbara Roberti	Zoning Administrator
Mrs. Sue Rose	Secretary

SUMMARY

Elvia Duque	Public Hearing July 9 th & Site Visit
John & Helen Wiejaczka	Public Hearing July 9 th & Site Visit
Frank Porter	Public Hearing July 9 th & Site Visit
Tim Serino, GW Corp	Public Hearing July 9 th & Site Visit
Joseph Boyce	Public Hearing July 9 th & Site Visit

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

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

The first item on the agenda is a discussion on:

Appeal No. 13-7491

Elvia Duque-Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-20 Zoning District.

-Where application **30470 for a permit to construct the conversion of basement garage into family room for an accessory apartment**. The application was **denied because it exceeds 35%**.

The property is located at **89 Scott Drive** and is identified by Tax Grid No. **6257-04-738388** in the Town of Wappinger.

Ms. Duque: My name is Elvia Duque and I need the variance because of the second floor bathroom is very cold in the winter. The garage has no sheet rock. We want to take the garage door down and build a wall and turn it into a living room.

Mr. Prager: How many people live in the house?

Ms. Duque: My brother-in-law, his wife and 2 children.

Mr. Prager: How many bedrooms are down stairs?

Ms. Duque: It is an accessory apartment and upstairs is myself, my husband and my three children.

Mr. Prager: How many bedrooms are upstairs and downstairs?

Ms. Duque: Three bedrooms upstairs and one bedroom downstairs.

- Mr. Prager: How many cars do you have in the family?
- Ms. Duque: They are 5 cars. Three are mine and two are my brother-in-laws.
- Mr. Galotti: The garage will be a family room and the driveway will remain the same?
- Ms. Duque: Yes.
- Mr. Prager: Are you putting a window in?
- Ms. Duque: Yes.
- Mr. Prager: How old are the children down stairs?
- Ms. Duque: 4 and 7.
- Mr. Johnston: Those are the only people living there?
- Ms. Duque: Yes.
- Mrs. Roberti: On this drawing the area says storage area, isn't it where the kitchen is now. When you took the permit out with Mrs. Lukianoff, this was considered storage and you were at 660 square feet.
- Ms. Duque: When I bought the house, it was set up that way. The entrance and the kitchen and then I filed the papers. I didn't change anything.
- Mr. Prager: We will have a site visit on June 29th. The Public Hearing will be July 9th.
- Mr. Prager: Next on the agenda is:

Appeal No. 13-7494

John & Helen Wiejaczka-Is seeking an area variance of Section 240-37 of Zoning Regulation in an R-20 Zoning District.

-Where a **40 foot rear yard setback** is required for an existing 12 x 25 canvas shed, the applicant can only provide **20 feet** to the rear property line, thus requesting a **20 foot variance.**

The property is located at **19 Pine Hill Road** and is identified by Tax Grid No. **6158-04-690346.**

- Mr. Prager: Please state your name for the record.
- Mr. Wiejaczka: My name is John Wiejaczka. I have a shed on my property that I put my boat in. I need it close to the driveway. I couldn't put it on the other side because my septic is there.
- Mr. Prager: Can you come up and point out on the map where the shed is.
- Mr. Wiejaczka: There are woods here and my septic is here. (Pointing to the map)
- Mr. Prager: We will have a site visit. Please mark out your property line.
- Mr. Johnston: How long has it been there?
- Mr. Wiejaczka: About 3 years.
- Mr. Prager: We will have a Public Meeting at our next ZBA meeting and we will have a site visit.
- Mr. Prager: Next on the agenda is:

Appeal No. 13-7495

Frank Porter-Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-40 Zoning District.

-Where a **50 foot rear yard setback** is required for the installation of a 15 x 20 A/G pool with no deck, the applicant can only provide **27 feet to the rear property line**, thus requesting a **23 foot variance**.

The property is located at **398 Maloney Rd** and is identified by Tax Grid No. **6259-02-951801**.

- Mr. Prager: Please state your name for the record.
- Mr. Porter: My name is Frank Porter.
- Mr. Prager: Please tell us why you need this variance.
- Mr. Porter: Our house is about 82 feet off the road; so we have 2 front yards. In the back of the house is a very small yard.
- Mr. Prager: Do you know where your property line is in the back?
- Mr. Porter: Yes, there is a tree line.

Mr. Prager: We will do a site inspection this Saturday and will have a Public Hearing at our next ZBA meeting.

Mr. Prager: Next on the agenda is:

Appeal No. 13-7496

Tim Serino, GW Corp-Is seeking an area variance of Section 240-37of Zoning Regulations in a HB Zoning District.

-Where **no adult use** shall be permitted in any building which is located within **400 feet** of any residential zoning district, the applicant can provide 240 feet, thus requesting a variance of 160 feet to a residential neighbor.

The property is located at **1 Stage Door Road** and is identified by **Tax Grid No. 6156-02-777824.**

Mr. Prager: For the record, please state your name.

Mr. Serino: My name is Time Serino and this is my wife Doreen Serino.

Mr. Prager: Have you bought the building yet?

Mr. Serino: We are in contract.

Mr. Prager: Please explain why you need it.

Mrs. Serino: The reason why we are here is because we were denied. We want to move our store from 1180 Route 9 to 1 Stage Door Road. I don't know why were denied because if you read our law suit, which was back in 2005, we were determined by the a judge that we were not considered to be an adult use so we wouldn't need a variance.

Mr. Serino: We are here to follow procedure and ask for a variance.

Mrs. Roberti: I did confer with Al Roberts, the attorney to the town; he said the Supreme Court case not withstanding after that case you still required the exact same variance in the location you are in now and it was granted when you opened the store.

Mr. Serino: We have been there for 10 years and we are a staple in the community. We are looking to clean up the building down there.

Mr. Prager: You have a couple of residents in those 400 square feet.

Mrs. Roberti: There are two and everyone else around them are commercial.

- Mr. Prager: Are there residences where you are now?
- Mr. Serino: You just granted a variance to the house next door.
- Mr. Horan: Will the new location be the same type of business?
- Mr. Serino: The same business but just a different location.
- Mr. Johnston: How many square feet do you have now.
- Mr. Serino: About 4400 square feet.
- Mr. Johnston: What are you looking at with the new building?
- Mr. Serino: Right now about 4000 square feet. The whole building is 30,000 square feet. I know we will be here again because we want to do other things with the building.
- Mr. Casella: Will the rest of the building be storage?
- Mr. Serino: Our offices and storage are at 10 Stage Door Rd. As of right now we are in a lease for a couple of years, when the lease is up we will propose moving our office to the new building.
- Mr. Casella: What are you going to store in the building?
- Mr. Serino: Eventually our offices will be moved into that building but it will be one project at a time.
- Mr. Prager: We will have a site visit this Saturday and the Public Hearing will be on the 9th of July.
- Mr. Prager: Next on the agenda is:

Appeal No. 13-7497

Joseph Boyce-Is seeking an area variance of Section 240-37 of Zoning Regulations in a R20/40 Zoning District
-Where a **50 foot front yard** setback is required for the construction of a **32 x 45 attached garage (with electric)**, the applicant can only provide **32.05 feet**, thus requesting a **17.95** foot variance.

-Where a **50 foot rear yard** setback is required for the construction of a **32 x 45 attached garage (with electric)**, the applicant can only provide **37.39 feet**, thus requesting a **12.61** foot variance.

The property is located at **10 Card Rd** and is identified by **Tax Grid No. 6157-04-520274.**

Mr. Prager: For the record please state your name.

Mr. Boyce: Joe Boyce.

Mr. Prager: Please let us know why you need the variance.

Mr. Boyce: I would like to build a 3 car garage attached to the house. I have no garage now and very little storage. The top of the garage will be used for storage. I have 3 cars that need to stay inside. I am renting a garage right now and the owner is selling it.

Mr. Prager: What kind of cars are they?

Mr. Boyce: I have a '67 Camaro, '64 Impala, and a '57 Chevy.

Mrs. Roberti: How big is this?

Mr. Boyce: It will be 32 x 45.

Mr. Prager: It looks bigger than your house.

Mr. Boyce: The house is small.

Mr. Prager: Is this marked out so we can see it.

Mr. Boyce: I spray painted it.

Mr. Prager: What about your property line.

Mr. Boyce: The side is my tree line and the back is about 1 foot into the trees.

Mr. Prager: We will have a site visit on Saturday and a Public Hearing on July 9th.

Mr. Casella: I make a motion to go into Executive Session for legal advice.

Mr. Prager: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Casella: I make a motion to come out of Executive Session.

Mr. Johnston: Second.

Mr. Casella: I make a motion to adjourn this meeting.

Mr. Galotti: Second.

Mr. Prager: All in favor?

Board: Aye.

Respectfully Submitted,

Susan Rose, Secretary
Zoning Board of Appeals