

MINUTES

**Town of Wappinger
Zoning Board of Appeals
September 10, 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
Ms. Sue Rose	Secretary

SUMMARY

Jennifer Younge

Denied

DCH (Memorial)

Zoning Administrator to give Interpretation

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- --Here
Al Casella-----Here
Bob Johnston-----Here
Peter Galotti-----Here

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

Appeal No. 13-7500

Jennifer Younge-Is seeking an area variance of Section 240-37 of Zoning Regulation in an R-40/80 Zoning District.

-Where a **40 foot side yard setback** is required for an existing 20 x 12 car port shed, the applicant can only provide **15 feet** to the rear property line, thus requesting a **25 foot variance.**

-Where the **code states...in no case shall Accessory Structures be permitted in the front yard** the applicant requests a variance for an existing 12 x 20 shed in her front yard.

The property is located at **20 Sky Top Drive** and is identified by Tax Grid No. **6056-01-296750 in the Town of Wappinger.**

Mr. Prager: Do I have a motion to open the Adjourned Public Hearing?

Mr. Johnston: I make a motion to open the Adjourned Public Hearing.

Mr. Casella: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: We did go over this material before and tonight we basically want to have a motion to grant or deny this variance. We have enough information from everybody. I would now like a motion to close the Public Hearing.

Mr. Galotti: I make a motion to close the Adjourned Public Hearing.

- Mr. Johnston: Second.
- Mr. Prager: All in favor?
- Board: Aye.
- Mr. Prager: Can I have a motion to grant or deny this variance.
- Mr. Galotti: I make a motion to deny this variance. It is very difficult to grant the variance when there are certain criteria's we need to follow. Basically in order to grant the variance, you don't meet any of those criteria.
- Mr. Casella: Second.
- Mr. Prager: Roll call vote.
- Ms. Rose: Tom Della Corte
- Mr. Della Corte: How do I disagree?
- Mr. Horan: Since it is a motion to deny, if you disagree you would vote no.
- Mr. Della Corte: No.
- Ms. Rose: Bob Johnston Yes
Al Casella Yes
Peter Galotti Yes
Howard Prager Yes
- Mr. Prager: The variance has been denied.
- Mr. Prager: Next on the agenda is a discussion on:

Appeal No. 13-7505

DCH-Is seeking an area variance of Section 240-67D of Zoning Regulation in a HB Zoning District.

-Where displaying of vehicles along sites frontage shall not exceed one vehicle for every **40' of frontage**. The applicant can only provide **31' spacing at the south end of the site & 35' spacing at the north end of the site**, these requesting a **9' and 5' variance to allow 10 cars spaced at 31' and 9 cars spaced at 35'**.

The property is located at Route 9 & Old Route 9 North and is identified by **Tax Grid No. 6157-02-589645/585606 in the Town of Wappinger.**

Ms. Mc Nish: I name is Jamie and I am from Larry Paggi's office and representing DCH Toyota. The variance is to reduce the spacing between the display parking. (Pointing to the map) this being the north side. This is where we are looking for the 5 foot variance.

Mr. Prager: Please explain why you need this.

Ms. Mc Nish: DCH agreed to let the town provide a memorial here (pointing to the map) in the front corner of their property. Previously our site plan approval had the correct spacing. We had display parking all the way out to that corner. In order to provide the memorial there, we had to squeeze our spacing in.

Mr. Casella: When were they given the original approval?

Mrs. Roberti: Around March.

Mr. Horan: There was a prior variance application on the site.

Mr. Casella: I thought that was for the buildings themselves.

Mr. Horan: Correct. It was for the buildings not the parking.

Ms. Mc Nish: That was for the overhead doors.

Mrs. Roberti: Just for the record I would like to say; when they got approval for the site, all of these display parking spaces met the code. It is only due to the fact, that only recently, they agreed to allow a memorial be put on the property and as such they have to get a re-approval. They are also downsizing the building from a two story to a one story.

Mr. Prager: Do they feel they need these extra cars there.

Ms. Mc Nish: They do. If you look at the code, the amount of frontage they have they could have 22 spaces. We show 19 display spots. I don't think you can see much of a difference. It will be landscaped.

Mr. Della Corte: Are these spots raised?

Mr. Mc Nish: No, these are regular parking spots.

Mr. Horan: For the board edification the code-Section 240-67 D it reads as follows:

It has been determined by the Wappinger Town Board that large unbuffered expanses of parking, stored and/or displayed vehicles represent impairment to the visual environment of the Town. The Town Board's purpose in promulgating the following provisions is to minimize such impairment while balancing the rights of the business community with those of the general public. The number of vehicles on any given site shall not exceed a maximum of 70 per gross acre; this maximum density pertains to all vehicles on the site, including but not limited to display, storage, repair, and customer and employee vehicles. Said vehicles shall be confined to the portions of the site designated for them on the approved site plan. Further, the parking, storage and display of vehicles along the site's roadway frontage(s) shall not exceed a maximum of one vehicle for every 40 feet of frontage.

It does not say a 40 feet spacing. In respect to this site, there is road frontage along Old Route 9. In some respects, you can interpret to include the frontage on both sides of the lot and then a variance is not required.

Mr. Casella: Then it would be an interpretation. This would be something the Zoning Administer could make a determination on.

Mr. Horan: You could have her make the determination.

Mr. Casella: We have two options. We decide on the variance or the Zoning Administer makes a determination.

Mrs. Roberti: What is the pleaser of the board?

Mr. Horan: The speediest way would be having the Zoning Administer make a determination.

Mr. Prager: I would be very happy with that. You don't need a variance and Mrs. Roberti will be in touch with you.

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

Mr. Galotti: I make a motion to adjourn.

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

Respectfully Submitted,

Susan Rose, Secretary
Zoning Board of Appeals