

MINUTES

**Town of Wappinger
Zoning Board of Appeals
November 12, 2013**

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

Summarized Minutes

Members:

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

Others Present:

Mrs. Barbara Roberti	Zoning Administrator
Ms. Sue Rose	Secretary
Mr. Horan	Attorney

SUMMARY

Prestige Mini

Granted

Ray Alexander & Melandie Williamson

Site Visit & Public Hearing

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

Mr. Prager: Do I have a motion to accept the meeting dates for 2014?

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

Mr. Galotti: Second.

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

Appeal No. 13-7506

Prestige Mini (Krisujen Realty, L.P.)-Is seeking an area variance of Section 240-37 & 240.29 F (2) (a) of Zoning Regulations in an HB Zoning District.
-Where an **automobile display structure must be 75 feet from the property line** when located on a state or county road, the applicant can only provide **53 feet** for an automobile display structure, thus requesting a **front yard variance of 22 feet**.

The property is located at **1162 Route 9** and is identified by **Tax Grid No. 6157-04-674155** in the Town of Wappinger.

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

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

Mr. Casella: Second.

Mr. Prager: All in favor?

Board: Aye.

Ms. Van Tuyl: My name is Jennifer Van Tuyl and I am representing Prestige Mini. We are here for a single area variance. A setback variance where 75 feet is required, we can only provide 53 feet for a display structure for a single mini vehicle. We reviewed this the last time and you have a photograph in your packet. Mini is a dealership that

doesn't like to have a whole row of cars on the front property line. In the Town of Wappinger you are permitted to have cars displays in the front of a dealership. Ironically, this display of a single car requires a variance because it is considered a structure. The nature of the land is causing all this. As you saw when you went out there, the property to the south of it is a higher elevation. There is a curve in the road and there is a lot of excess right away.

Mr. Paggi: I don't know what more can be said after Jennifer's explanation. There is a safety factor with this. We are hoping between the sign and the little cube that the folks will be able to see the dealership. They can be prepared to pull into the site without passing it and having to turn around to come back.

Mr. Casella: If you are going North on Route 9, it is right after the Valvoline.

Mr. Paggi: Correct.

Mr. Casella: It is kind of tough to see when you come around that corner. Do you think the sign is going to be in the right location? People are doing 55-65 MPH.

Mr. Paggi: Other than coming forward more it is really the only spot for it.

Mr. Casella: Are you going to cut down any of that brush?

Mr. Paggi: Yes and I have a landscape plan. Right in the middle of this (looking at the map) is going to be the cube and we are hoping it is visible.

Mr. Prager: If it is where it is, people will slow down before the entrance.

Mr. Paggi: It is a bright color and the mini is very distinguished.

Mr. Prager: Does anyone on the board have any questions? Anyone in the audience have any questions?

Mr. Bettina: As the councilman for this area, I think it is a great project and it will generate jobs.

Mr. Prager: Thank you.

Mr. Horan: For the record, within the SEQRA review the Planning Board issued a Negative Declaration. This board now can vote on this variance.

Ms. Rose: Mr. Prager, for the record all the mailings were in order.

Mr. Prager: Thank you.

Mr. Prager: Can I have a motion to close the Public Hearing?

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

Mr. Galotti: 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 grant this variance.

Mr. Casella: Second.

Mr. Prager: Roll call vote.

Ms. Rose.	Mr. Johnston	Yes
	Mr. Casella	Yes
	Mr. Galotti	Yes
	Mr. Prager	Yes

Mr. Prager: Next on the agenda is a discussion on:

Appeal No. 13-7511

Ray Alexander & Melandie Williamson-Is seeking an area variance of Section 240-37 of Zoning Regulations in a R40/80 Zoning District.

-Where in **no case shall accessory structures be permitted in the front yard**, the applicant has an **existing I/G 15' X 24' pool** in their front yard.

-Where in **no case shall accessory structures be permitted in the front yard**, the applicant has a **hot tub in** their front yard.

-Where in **no case shall accessory structures be permitted in the front yard**, the applicant has a **pavilion for wood storage** in their front yard.

The property is located at **68 Diddell Road** and is identified by **Tax Grid No. 6359-03-383254** in the Town of Wappinger.

- Mr. Prager: Please come up and state your name for the record.
- Mr. Alexander: My name is Ray Alexander.
- Mr. Prager: Please explain how this all came about.
- Mrs. Alexander: We were unaware that that was our front yard.
- Mr. Prager: I am a little familiar with that property. I know your grandfather.
- Mrs. Alexander: (Describing with her hands) the road is this way and our driveway comes up this way and our house is all the way up here. We put an out door wood stove outside. We did call the town but I guess I didn't explain it correctly. I asked if it was ok to put a wood stove outside and I didn't know that I needed to say and outdoor furnace. They came up and said we needed a building permit. We did have a licensed electrician do the work. We found out it was illegal and we had to pay a fine. We didn't know putting up a wood overhang was illegal. I didn't want to go out when it was snowing and get wood and again we did not know it was our front yard. We didn't want to put the hot tub in our side yard which we thought was our back yard. The in ground pool was already there. His father built it years ago.
- Mr. Prager: Roughly, when was that build?
- Mr. Alexander: 1975 or 1976.
- Mr. Prager: We will have a site visit this Saturday and can you mark out your property line.
- Mr. Johnston: How long is your driveway?
- Mr. Prager: I would say about 75 to 100 feet.
- Mr. Alexander: I think more like 300 feet.
- Mr. Prager: The Public Hearing will be on November 26th.
- Mrs. Roberti: I would like to put this on record. The pool I believe was put in by their grandfather and I think when you came in for the wood boiler; the way our plot plans reads it says front of house, side of house, etc.. You said it was on the side in the back and technically it is. Your front is an oddity. In defense of them it was approved.

We didn't have GIS back then and they were honest about where it was.

Mr. Horan: Legally the front is the street side; regardless where the front door is.

Mr. Prager: Any further questions?

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

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