

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
January 14, 2014**

**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. Jim Horan	Attorney

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**SUMMARY**

Kevin Prunty	Variance Granted
James Geraghty	Public Hearing January 28 <sup>th</sup>
James Sanborn	Public Hearing January 28 <sup>th</sup>
Greenbaum & Gilhooley's	Public Hearing January 28 <sup>th</sup>

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: The first item on tonight's agenda is the acceptance of the minutes from December 10, 2013. Do I have a motion to accept these minutes?

Mr. Johnston: I make a motion to accept these minutes.

Mr. Casella: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: The next item on tonight's agenda is a Public Hearing on:

**Appeal 13-7512**

**Kevin Prunty**-Is seeking an area variance of Section 240-34 of Zoning Regulations in an R-40 Zoning District.

-Where **50 feet** to the **front yard** property line is required, the applicant can only provide **45 feet 3 inches**, thus requesting a **4 foot 9 inch** variance for an existing **13 foot 10 inch X 33 foot 10 inch front yard deck**.

-The property is located at **10 Lydia Drive** and is identified by **Tax Grid No. 6257-03-092235**

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

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

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: Are all in the mailings in order?

Ms. Rose: Yes sir.

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

Mr. & Mrs. Prunty: Thomas Prunty and Jo Ann Prunty.

Mr. Prager: We did do a site inspection and we did speak to you at the last meeting. So again, for the record please explain why you need this.

Mrs. Prunty: The deck has been there for many years. My son bought the house in 2005 and he did do some repairs on the deck but left it as is. When he went to get other work done on the house and he went to get building permits for that work we realized that the deck did not have a c/o. We are now trying to get everything legalized.

Mr. Casella: The deck is the same size but just repaired it.

Mr. Prunty: Yes.

Mr. Prager: Is there anyone in the audience for or against this variance?

Mr. Prager: Hearing none, do I have a motion to close the Public Hearing?

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

Mr. Johnston: Second.

Mr. Prager: Do I have a motion to grant or deny this variance?

Mr. Johnston: I make a motion to grant this variance.

Mr. Casella: Second.

Mr. Prager: Roll call vote.

Ms. Rose:	Al Casella	Yes
	Peter Galotti	Yes
	Bob Johnston	Yes
	Howard Prager	Yes

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

**Appeal No. 13-7509**

**James Geraghty**-Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-15 Zoning District.

-Where **12 feet** to the side yard property line is required, the applicant can only provide **9 feet**, thus requesting a **3 foot** variance for an existing **12' X 20'** deck (with no stairs).

- The property is located at **14 Ardmore Drive** and is identified by **Tax Grid No. 6257-03-268482** in the Town of Wappinger.

Mr. Prager: Please come up and state your name.

Mr. Geraghty: My name is James Geraghty and I live at 14 Ardmore Drive. The deck was built by the previous owner approximately 18 years ago.

Mr. Prager: How long have you owned the house?

Mr. Geraghty: About 7 years.

Mr. Johnston: Are you replacing the deck?

Mr. Geraghty: No.

Mr. Horan: It never had been approved.

Mr. Prager: You didn't build the deck. It was already there.

Mr. Geraghty: Yes.

Mr. Prager: You are stating that you can provide 9 feet to the side yard.

Mr. Geraghty: Right now it is 6 feet.

Mr. Prager: On the plot plan you provided it says 6 feet. Sue, please make the changes.

Mr. Johnston: Did you own the house in 2007?

Mr. Geraghty: My son owned the house.

- Mr. Johnston: Where you issued a violation notice then?
- Mr. Geraghty: No.
- Mrs. Roberti: On your original building permit in 2007, the plot plan you included said you had 9 feet. So you remeasured, and now you only have 6 feet?
- Mr. Geraghty: It may be about 6 ½ feet.
- Mr. Prager: Do you have markings at your property line?
- Mr. Geraghty: Yes there are markings.
- Mr. Horan: I think for notice purposes it should be 6 feet.
- Mr. Johnston: I have questions about the violation notice back in 2007.
- Mrs. Roberti: What happened was in 2007, Sal Morello, one of our building inspectors, had found this. It was during the c/o search. He issued it on July 1, 2007. Mr. Geraghty came in and opened a building permit on July 3, 2007.
- Mr. Johnston: Was it to legalize the deck?
- Mrs. Roberti: Yes. I guess you bought the house around then.
- Mr. Geraghty: Yes.
- Mrs. Roberti: He opened the building permit and it was denied and he never came in to get the variance. We are now looking at expired building permits that were never issued and there are copies of letters to him to come in and get a variance. He is now trying to rectify his violation.
- Mr. Prager: We don't have a site plan on this, do we? How do you know where your property line is?
- Mr. Geraghty: There is a marking on the ground and there is a hedge between the two properties.
- Mr. Horan: Was there a survey when you bought the house?
- Mr. Geraghty: I don't think so.

Mr. Prager: And you don't have a site plan.

Mr. Geraghty: No.

Mrs. Roberti: Does the deck over hang the house?

Mr. Geraghty: No.

Mr. Prager: We will do a site inspection this Saturday and the public hearing for the next meeting.

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

**Appeal No. 13-7513**

**James Sanborn**-Is seeking an area variance of Section 240-37 of the Town of Wappinger Zoning Regulations in an R-40 Zoning District.

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **25 feet**, thus requesting a **25 foot** variance for the placement of a **12 foot X 20** foot shed.

-The property is located at **12 Dose Road** and is identified by **Tax Grid No. 6258-04-930355** in the Town of Wappinger.

Mr. Cappelli: My name is Alfred Cappelli and I am the architect for James Sanborn. We have recently designed a home that is under construction. The owner is looking to transport his 12 x 20 shed to this new location. There are some situations on the lot. Current drainage swales and curtain drains suggest we have limited locations for this shed. We are looking to put it in the upper right hand corner (pointing to the map). If I moved the shed up towards the front, I would be encroaching on the swale.

Mr. Casella: Why are you moving the shed from its current location?

Mr. Cappelli: The shed is on another lot and we are building this new house on Dose Road. He will be taking the shed from his existing house and placing it on his new lot. We have the same situation on the other side of the new house with curtain drains.

Mr. Prager: We will do a site visit this Saturday and have a public hearing at our next meeting.

Mr. Cappelli: The building is framed and is under construction.

- Mr. Johnston: Can you stake out where the shed is going to go.
- Mr. Cappelli: Yes.
- Mr. Horan: There are two different setbacks in the code for accessory structure depending on the size of the structure. This would be subject to the larger setback.
- Mr. Prager: The next item on the agenda is:

**Appeal No. 13-7510**

**Greenbaum & Gilhooley's**-Is seeking the following (5) variances of Section 240-18(f), and 240-37of Zoning Regulations in an HB Zoning District. The property is located at **1379 Route 9** and is identified by **Tax Grid No. 6157-02-594684** in the Town of Wappinger.

1. Where as **2 acres** are required in an HB zoning district, the applicant is proposing to develop a pre-existing non-conforming undersized lot, the applicant can only provide **1.89 acres**, thus requesting a **0.11acre** variance.
2. Where as **200 feet** minimum lot depth is required, the applicant can only provide **149 feet4 inches**, thus requesting a variance of **50 feet 6 inch** for the proposed development of a pre-existing non-conforming under sized lot.
3. Where as **30 feet** from the bank canopy roof, is required for a rear yard setback, the applicant can only provide **13feet 4 inches**, thus requesting a **16 feet 8 inch** variance.
4. Where as **75 feet** front yard setback is required to a state or county highway, the applicant can only provide **69 feet 8 inches**, for an existing front wall of the existing building, thus requesting a **5 feet 4 inch** setback.
5. Where as **25%** is required for landscaping, the applicant can only provide **12%**, thus requesting a **13%** variance. (As part of the mitigation that is being proposed, the applicant will obtain a Use & Occupancy permit from the NYS Department of Transportation. This will allow for the use of a portion of the NYSDOT right-of-way for landscaped planting beds. This will reduce the variance required for the minimum landscaped open space to 4.4 %.)

Mr. Tinkelman: My name is Steve Tinkelman and I am the architect on this project. With me tonight is Bob Turner, Joseph Thompson from De Graw Architects, and Nick Citera who is one of the principals in this project. We are in front of the Planning Board and at the next meeting there will be a vote for a Neg Dec. We have worked with the professional from the town and were able to reduce the needed variances from 10 down to 5. The project will include the reusing of the Greenbaum & Gilhooley's restaurant and the additional construction of retail space and a bank. The Greenbaum & Gilhooley's building is a two story building and the second story will be designed to be office space. Variance 4 has to do with the setback of the existing building. This site is long and narrow and has great visibility. Another variance that is needed is because the property is long and narrow and your code requires 2 acres but we only have 1.89 acres. As part of this application, one of the pieces we were able to work out is that there is going to be a permit for this area (pointing to the map) in the front which is about ¼ of an acre. Right now it is only a grassed area, what would be nice now is we would be able to landscape this area. If you add this piece to the application, even though he does not own it, it becomes 2.13 acres.

Mr. Galotti: Is that the DOT right away?

Mr. Horan: The DOT has a pretty wide taking. What happened was DOT has taken that property back in the '60 and they took additional property. There is an access there in case an additional lane needs to be added and at this time they have no plans for that. They agreed to a lease agreement for the excess property. The applicant explained to the Planning Board that they tried to purchase that property but the DOT want to keep their options open and decided to just lease it.

Mr. Prager: What happens in the future if the lease is revoked?

Mr. Horan: That is why they are here for the variance.

Mr. Tinkelman: There is some drainage in that area and the DOT didn't want to lose that control.

Mr. Horan: This is contingent on site plan approval from the Planning Board. With reference to variance 1 and 2, the code allows the development of a substandard lot as long as you meet all the requirements.

- Mr. Tinkelman: The original plan for the bank was not turned. Since it was turned (pointing to the map) we are going to need a front yard variance because of the canopy. From a planning perspective this is a better plan to rotate the bank. We would like to ask the board if we had a better plan. The variance is for the canopy and not the building.
- Mr. Johnston: Is the canopy covering the teller portion and the exit lane?
- Mr. Prager: (Looking at the map) the canopy is here?
- Mr. Tinkelman: The canopy will not be covering the exit lane.
- Mrs. Roberti: It is 13' 4" to the property line.
- Mr. Casella: Is it a large canopy or does each teller have their own canopy?
- Mr. Thompson: My name is Joseph Thompson and I work for De Graw Architects and we are designing the bank. (Showing the board the drawings of the bank).
- Mr. Prager: Sue, we are reviewing the drawing of Ulster Savings Bank. (Drawings are available for review).
- Mr. Tinkelman: Nick Citera does like landscaping and plans to landscape this development and make it very attractive.
- Mr. Johnston: The percentage that you need for the variance, 25% is required, with the DOT property, what is the percentage you are going to need?
- Mr. Tinkelman: Your code requires 20,473.2 square feet and the numbers that Bob Turner came up with is 19,169 square feet. This leaves us with a short fall of 1,304.2 square feet. Which is .03 acres, which come out to 3 %?
- Mr. Tinkelman: We are in front to the Planning Board next Wednesday and the board will vote on a Negative Declaration, and then come back to you at the next meeting for a Public Hearing.
- Mr. Prager: We will make a Public Hearing for the next meeting and have a site visit this Saturday. We would like some markings on the ground where the buildings are going to be or have someone out there to

point out the locations of the buildings. Does anyone have any other questions? The public hearing will be at the next meeting.

Mr. Prager: Can I have a motion to go into executive session?

Mr. Galotti: I make a motion to go into executive session.

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: Can I have a motion to come out of executive session?

Mr. Galotti: I make a motion to come out of executive session.

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

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

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

Mr. Casella: Second.

Mr. Prager: All in favor?

Board: Aye.

Respectfully Submitted,

Susan Rose, Secretary  
Zoning Board of Appeals