

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
March 25, 2014**

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

**Summarized Minutes**

**Members:**

Mr. Prager	Chairman-Absent
Mr. Rexhouse	Member
Mr. Casella	Member-Acting Chair
Mr. Johnston	Member
Mr. Galotti	Member

**Others Present:**

Mrs. Barbara Roberti	Zoning Administrator
Ms. Sue Rose	Secretary

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**SUMMARY**

Michael Goodwin

Adjourned until April 22<sup>nd</sup>

Carl O'Toole

Site Visit March 29<sup>th</sup>  
Public Hearing April 8<sup>th</sup>

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

Ms. Rose: Howard Prager-----Absent  
Brian Rexhouse- --Here  
Al Casella-----Here  
Bob Johnston-----Here  
Peter Galotti-----Here

Mr. Casella: Do I have a motion to accept the minutes from and February 11, 2014?

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

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Casella: The next item on tonight's agenda is an Adjourned Public Hearing on:

**Appeal 14-7515**

**Michael Goodwin**-Is seeking an area variance of 280 A of NYS Town Law and 240-20A of the Town of Wappinger Zoning Code in and R 20/40 Zoning District.

-Where **any construction of any structure unless the street or highway giving access to said use or structure has been suitably improved to Town road standards** for the construction of a modular home, consisting of 3 bedrooms, 1 family room, 1 dining room, 1 bath, central air, and a garage.

-The property is located at **35 Dugan Lane** and is identified by **Tax Grid No. 6256-02-970944** in the Town of Wappinger.

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

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

Mr. Rexhouse: Second.

Mr. Casella: All in favor?

Board: Aye.

Mr. Casella: I understand that there are some people in the audience that have some comments on this application. Please come up and state your name.

Ms. Chan: My name is Catherine Chan and I live at 13 Shady Brook Lane. My property abuts the property on Dugan Lane. We are now in the process of getting our property surveyed because there has been some tree removal which we feel is on our property. We have not been notified of any site inspection. The boundaries are not clearly marked. We feel if the variance is granted it will greatly affect our property. We would like to wait for our survey because we feel some of this construction will be on our property. We feel if this variance is granted we might run into other legal issues. The subject lot does not have the required frontage. Our question is, how is the board going to rectify the fact that there is not enough frontage on this property? The frontage on the Elm Street side is all filled with rocks. The frontage on the Dugan Lane side is not even a road, it's just a trail. We oppose this area variance because according to your code, there is a section that speaks directly to the welfare of the community. Another speaks of no permit for a building should be given unless on a paved street. Here there is no street access, obviously. If the board grants this to be built, how will this affect our well water and drainage. If you look at the property from an aerial view, we have 3.2 acres. Mr. Goodwin has 3 acres; above him is over 12 acres and to the right is 5 acres. We all have carefully planned emergency vehicle access. We are concerned about the drainage and well water and how this will financially affect our property. If he builds and needs an easement, whose property is it going to be on? We think this will be a detriment to the community. We feel he caused this problem because of the quick claim deed because quick claim deeds do not come with any guarantees. We have problems getting oil trucks to us; I don't know how he would get a fire truck back to his property.

Mr. Johnston: What piece of property is yours? (Looking at the map)

Mrs. Roberti: Is this your property? (Looking at the map) you exit on Martin from Shady Brook?

Ms. Chan: Yes.

Mrs. Roberti: You exit on a paper road.

Ms. Chan: Reviews map with board.

Mrs. Roberti: He is not looking to come through here. He wants to come through here. (Reviewing the map)

- Ms. Chan: Our concerns are that if this is granted, he will start cutting down all the trees.
- Mrs. Roberti: If this variance is granted, he would have to come in for a building permit. He needs a certified as built and show where the house is. We will be very careful to where the setbacks are; on the sides and the rear. He has to have Health Department approval. Then after it is built he has to do an interim once the foundation is in. Then a surveyor has to go back out to make sure the foundation is where it is suppose to be. So he would not be building on anybody else's property.
- Ms. Chan: We still believe he is coming on to our property.
- Mr. Johnston: Did you ever have a survey done?
- Ms. Chan: Yes but the markings are no longer clear and the new survey will be done this week. Will the report show anything about drainage and well?
- Mrs. Roberti: If this goes through, the town engineer will review the drainage issue.
- Mr. Casella: If we do grant this, there are many other steps he has to go through before building the house.
- Ms. Chan: We want to make sure he is not on our property.
- Mrs. Roberti: If trees are being removed from your property, it is a civil matter. Were you notified of the first Public Hearing?
- Ms. Chan: No, I found out this on my own.
- Mrs. Roberti: For the record, I do have the list of mailings and yours was sent. The green card was not sent back.
- Mr. Casella: Is there anyone else that would like to speak for or against this variance?
- Mr. Utter: William Utter from 25 Elm Place. I am just here to get information and I have nothing to say at this time.
- Mr. Casella: Is there anyone else in the audience that would like to speak before we adjourn this Public Hearing?
- Mr. Johnston: I make a motion to adjourn this Public Hearing until April 22<sup>nd</sup>.
- Mr. Rexhouse: Second.
- Mr. Casella: All in favor?

Board: Aye.

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

**Appeal 14-7517**

**Carl O'Toole**- Is seeking an area variance of Section 240-37 of the Town of Wappinger Zoning Regulation in an R-20 Zoning District.

-Where **75 feet** is required to the front yard property line, the applicant can only provide **51 feet**, thus requesting a **24 foot** variance for the new construction of a **32' X 32'** single family two story residence with an attached **24' X 24'** garage and demolishing existing residence on the site.

-The property is located at **222 Old Hopewell Road** and is identified by Tax Grid No. **6157-02-735509** in the Town of Wappinger.

Mr. Cappelli: My name is Alfred Cappelli and I am the architect representing the applicant. Mr. O'Toole closed on the property five or six month ago and his intent was to renovate the existing building. The house is in pretty bad shape. We came to the conclusion that the money spent in fixing this house up would be better used on new construction. The new house will be 32' X 32'. The original house will stay while construction is taking place and will be used as storage. The house will be taken down after the c/o is obtained for the new house. We are on a county road and we need 75 feet. Since it is a small piece of property, I came up with a 50 foot or so frontage to still be able to maintain a descent back yard. In doing so, trying not to create a side yard variance or a rear yard variance.

Mr. Johnston: What about the well and septic?

Mr. Cappelli: We are going to use the existing well and trying to locate the existing septic.

Mr. Casella: Why are you having a detached garage?

Mr. Cappelli: There is going to be a breeze way between the two.

Mr. Johnston: What is the measurement of the breeze way?

Mr. Cappelli: Maybe eight or ten feet. The applicant wanted a breeze way.

Mrs. Roberti: Al and I have spoken about this and I am in favor of this. If they pushed the house back, they would have to come back for a rear variance if they wanted a pool or a shed. Better one variance now, then a lot later.

Mr. Casella: Why can't you build on the original foot print?

- Mr. Cappelli: They would be sitting right on the road.
- Mr. Casella: We will have a site visit this Saturday, March 29<sup>th</sup> and a Public Hearing for April 8<sup>th</sup>.
- Mr. Casella: Any other questions? Can I have a motion to adjourn this meeting?
- Mr. Galotti: I make a motion to adjourn this meeting.
- Mr. Johnston: Second.
- Mr. Casella: All in favor?
- Board: Aye.

Respectfully Submitted,

Susan Rose, Secretary  
Zoning Board of Appeals

Meeting ended 7:55PM