

MINUTES

**Town of Wappinger
Zoning Board of Appeals
April 8, 2014**

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

Summarized Minutes

Members:

Mr. Prager	Chairman
Mr. Rexhouse	Member
Mr. Casella	Member
Mr. Johnston	Member
Mr. Galotti	Member

Others Present:

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

SUMMARY

Carl O'Toole	Variance granted
Durants Tents & Events	Site Visit & Public Hearing April 22 nd
Thomas & Dana Nicoletti	Site Visit & Public Hearing May 13 th
Michelle Heinemann	Site Visit & Public Hearing April 22 nd

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

Mr. Prager: Do I have a motion to accept the minutes from and March 11, 2014 and March 25, 2014?

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

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

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

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. Prager: Are all the mailings in order?

Ms. Rose: Yes sir.

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. Cappelli: My name is Alfred Cappelli and I am the architect representing the applicant. We were asked by Mr. O’Toole to renovate the existing house but it would have cost more than building a new residence. The house is in pretty rough shape. 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 triangle piece of property it is hard to position the house, I came up with a 50 foot or so frontage to still be able to maintain a descent back yard. In doing so, I tried not to create a side yard variance or a rear yard variance.

Mr. Prager: We did do a site visit. Any further questions?

Mr. Johnston: How will you enter the house from the garage?

Mr. Cappelli: It will be on the lower level.

Mr. Rexhouse: Will there be a breeze way still?

Mr. Cappelli: Yes, we will work it out before we go for a building permit.

Mr. Prager: Is there anyone in the audience that would like to speak for or against this variance? Hearing none, 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 the variance.**

Mr. Rexhouse: **Second.**

Mr. Prager: **Roll call vote.**

Ms. Rose:	Al Casella	Yes
	Peter Galotti	Yes

Brian Rexhouse	Yes
Bob Johnston	Yes
Howard Prager	Yes.

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

Appeal No. 14-7518

Durants Tents & Events-Is seeking the following (3) variances of Section 240-18(f), and 240-37of Zoning Regulations in an HB Zoning District. The property is located at **1155 Route 9** and is identified by **Tax Grid No. 6157-04-632086/627103** in the Town of Wappinger.

1. Where a **2 acres** are required in an HB zoning district, the applicant is proposing to combine Lot 632086 (1.50 acres) and Lot 627103 (0.31acres) to create 1 lot (1.81acres) for a pre-existing non-conforming undersized lot, the applicant can only provide **1.81 acres**, thus requesting a **0.19 acre** variance.
2. Where a **75 foot** front yard setback is required to a state or county highway, the applicant can only provide **37.7 feet**, to Osborne Hill Road, thus requesting a **37.3 foot** front yard setback sized lot.
3. Where a **75 foot** front yard setback is required to a state or county highway, the applicant can only provide **62.6** feet, thus requesting a **12 feet 4 inch** variance.

Mr. Povall: My name is Bill Povall and I am the engineer for the applicant. This building is located on the west side of Route 9. (Pointing at the map) This brown building is the building that is there now. There are two parcels that are there now and they are looking to combine the two to make one lot. The smaller lot had a house on it that caught fire and because it was an eye sore and a safety concern, they took it down. The existing building has parking along the front and on the side. There is a yard area which is enclosed by a stockade fence. This is a preexisting nonconforming lot. We are in front of the Planning Board with an amended site plan to make some improvements to the two parcels. What they have found is that they needed more storage space in the building. The building is an odd shaped building and it does hinder the use of the building. What we are proposing is to square off the building and that would be the storage in the back and the front would be retail. By combining the two lots, we cut down on the number of variances needed. There is an existing tree line along Osborne Hill Road along with a stockade fence. What we are proposing is to keep the stockade fence; along with the landscaping that is there and adding addition landscaping. The second variance that is needed is the front yard setback to Route 9.

- Mr. Galotti: For the record, my company has had some professional relations with Bill and this would not sway my decision in any way.
- Mr. Povall: The third variance would be the overall acreage. In combining the two parcels we are still short for the two acre requirement.
- Mr. Prager: The Public Hearing will be on April 22nd and we will have a site visit this Saturday. Is there going to be signage?
- Mr. Povall: I don't think they want a free standing sign.
- Mr. Prager: The next item on the agenda is:

Appeal No. 14-7520

Thomas & Dana Nicoletti- Is seeking an area variance of Section 240-37 of the Town of Wappinger Zoning Regulation in an R-20 Zoning District.

Where **30 feet** to the rear yard property line is required, the applicant can only provide **1 foot**, thus requesting a **29 foot** variance for a **12 foot X 28 foot** existing canvas barn style shelter. The shelter is also located in a Central Hudson ROW. The applicant must produce documentation from Central Hudson allowing shelter to remain.

The property is located at **1 Bowdoin Lane** and is identified by Tax Grid No. **6057-02-739612** in the Town of Wappinger.

- Mr. Nicoletti: My name is Tom Nicoletti and I live at 1 Bowdoin Lane.
- Mrs. Roberti: (Pointing to the map) the actual property that this shelter is on belongs to Central Hudson. He does have a lease agreement to allow him to keep them there.
- Mr. Johnston: That lease agreement can be revoked at any time.
- Mr. Prager: The original shed is 30 feet from the property line.
- Mr. Nicoletti: No it is actually 12 feet from the property line and it was there when I bought the house.
- Mrs. Roberti: When the previous owner came in for the permit, he said 120 feet to the stone wall. This is prior to us having GIS; the permit was issued thinking the two lots were his because back then we took everyone's word for it.
- Mr. Horan: So it is 120 feet from the house but it happens to be on someone else's property.

- Mr. Prager: The first shed was preexisting but you did put up the other structure.
- Mr. Nicoletti: Yes for my boat.
- Mr. Johnston: When did you buy the house?
- Mr. Nicoletti: December 2003.
- Mr. Prager: When did you put up the other structure?
- Mr. Prager: May of last year.
- Mrs. Roberti: If this is granted, I think it should be conditional to the life of the lease.
- Mr. Nicoletti: I have a license agreement and if they come in to use the land I would have to move the sheds.
- Mr. Horan: When the town was running the water line along Wheeler Hill Road we attempted to get an easement from Central Hudson. Central Hudson indicated to us they would have to get Public Service Commission approval to grant us an easement. Public Service Commission approval is not required for the license. The one thing that we may want to request is something from Central Hudson authorizing the variance request. For clarity, the prior permit was issued to put the shed on the property. We have a provision in the code—any accessory structure must be on the lot with the primary use.
- Mr. Prager: Maybe we should let it go for another month because we need to do some research.
- Mr. Rexhouse: What about the liability aspect?
- Mr. Nicoletti: Part of the agreement is that the sheds have to be on my homeowner's policy.
- Mr. Prager: We can put this on for May 13th and do we need escrow?
- Mr. Horan: \$500.00 and we can do the Public Hearing for the 13th also. If you can get a letter from Central Hudson, saying they consent.
- Mr. Prager: We will have a site visit this Saturday.
- Mr. Prager: The next item on the agenda is:

Appeal No. 14-7519

Michelle Heinemann- Is seeking an area variance of Section 240-37 of the Town of Wappinger Zoning Regulation in an R80 Zoning District.

Where a **75 foot** front yard property line is required on a state or county road, the applicant's structure encroaches into DOT ROW and a fence that exceeds the town code of 6 feet.

The property is located at **1111 Route 376** and is identified by Tax Grid No. **6358-01-205670** in the Town of Wappinger.

Mr. Alexander: My name is Neil Alexander and I am the attorney for Michelle Heinemann. The first lot is a 22 acre lot and along the way and to the north and east there is a triangle piece that is on Rt. 376 and was purchased in 2003. They did go to NYSDOT and got a highway work permit. The fence is a large privacy fence and it is over 6 feet tall. (Pointing to the picture) the section that is an issue tonight is the one at the bottom of the drawing. The property originally had frontage on Dogwood Hill Road and with the consolidation of the two lots; the frontage is now on Route 376.

Mr. Prager: Is the Dogwood Hill driveway no longer used?

Mr. Alexander: It is used occasionally.

Mr. Casella: You need to punch in a code or be announced.

Mr. Alexander: From what I understand, the concern is the privacy fence. It does exceed the 6 feet and the 75 feet of the property line.

Mrs. Roberti: She started putting up solid fencing and it is about 10 feet high.

Mr. Prager: Why did they have to have it that high?

Mr. Alexander: They were trying to provide privacy from within and because the volume on Route 376. We did do a traffic study and it is a very busy road.

Mr. Johnston: There are no environmental issues on this property.

Mrs. Roberti: Anything over 4 feet needs an engineer drawing.

Mr. Prager: The Public Hearing will be at the next meeting, April 22nd.

Mrs. Roberti: ATT is having a balloon test because they have an application in front of the Planning Board for a two tower installation. One on Myers Corners Road and one on Diddell Road. If they do proceed, they will need variances. They will be floating balloons so you can see what they will look like from a

distance. I wanted to make you aware since you will be getting an application and Sue will email you the dates and times.

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

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

Mr. Galotti: **Second.**

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

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

Mr. Casella: **Second.**

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

Mr. Galotti: **I make a motion to adjourn this meeting.**

Mr. Johnston: **Second.**

Mr. Prager: **All in favor?**

Board: **Aye.**

Meeting Ended 8:05PM

Respectfully Submitted,

Sue Rose, Secretary
Zoning Board of Appeals