

MINUTES

**Town of Wappinger
Zoning Board of Appeals
May 13, 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-Absent

Others Present:

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

SUMMARY

Michael Goodwin	Variance Granted
Michelle Heinemann	Adjourned until June 10th
Thomas Nicoletti	Variance Granted
Patricia & Martins	Public Hearing May 27 th & Site Visit May 17th

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-----Absent

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

Appeal No. 14-7523

Patrica & Antonio Martins – Is seeking an area variance of Section 240-37 of District Zoning Regulations for an R-20 Zoning District.

-Where **20 feet** to the side yard property line is required, the applicant can only provide **7 feet**, thus requesting a **13 foot** variance for a **20 X 20** existing steel carport.

-The property is located at **119 Edgehill Drive** and is identified by **Tax Grid No. 6358-03-091091** in the Town of Wappinger.

Mrs. Martins: My name is Patricia Martins and I live at 119 Edgehill Drive. We have an existing carport that has been there for 8 years.

Mr. Johnston: Did you put it up?

Mrs. Martins: Yes, the person that sold it to my husband said we didn't need a permit. I spoke to my neighbor, to the left of me, and he has no problem with it. He said I could put it on his property.

Mr. Prager: What do you store in that?

Mrs. Martins: Just our cars.

Mr. Prager: We will have a site inspection and we will have a Public Hearing at our next meeting.

Mr. Casella: Can you mark the property lines?

Mrs. Martins: Yes.

Mr. Prager: The next item on the 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. Prager: Can I have a motion to reopen the Adjourned Public Hearing?

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

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Wyatt: My name is Thomas Wyatt and I am the attorney for this application.

Mr. Prager: We did have a conversation with the Highway Superintendent, Graham Foster.

Mr. Horan: I had a conversation with the Highway Superintendent regarding the most recent drawing that was submitted by the applicant. It showed three different turn a rounds. The applicant is looking to use a branch type turn a around as shown on that drawing. The portion of the branch will be facing up the driveway. So it is a T type intersection. This will give the highway department the ability to plow snow past the applicant's driveway. Since this is currently a private road, the Highway Superintendent would be willing to agree to this type of configuration as long as it stays a private road. Prior to getting a building permit, the owner would give the town an easement; which would allow the town to plow and deposit snow in that area.

Mr. Prager: You would maintain the road and the town will plow it.

Mr. Horan: At the last meeting, there were concerns about wetlands being on that property. I did look at the Dutchess County GIS system and there are no wet

lands in the area. This is a Type 2 action and does not require a SEQRA review.

Mr. Johnston: The easement will be signed prior to the issuing of a building permit?

Mr. Horan: Yes.

Mrs. Roberti: We can make that a condition of the issuing of the building permit.

Mr. Horan: The neighboring property owner, Catherine Chan, submitted a request for an adjournment for this evenings meeting. If the board would like to entertain this, I wanted it to be on the record.

Mr. Chan: My name is Matthew Chan and I live at 13 Shady Brook Lane. We have been in contact with the DEC. There are wetlands where you said there are not. The DEC and the Health Department are reviewing the facts in this situation. There are issues with the land fill that Mr. Goodwin created.

Mrs. Roberti: Before a building permit can be issued, we will need a sign off from the Department of Health.

Mr. Prager: Tonight we are just interested in the road portion.

Mr. Chan: Who is paying to have the private road paved and why is that private road going to be plowed by the town? There are other private roads that the town does not plow.

Mr. Horan: In respect to the plowing, the applicant is providing a turn around.

Mr. Chan: There are turn arounds on other private roads.

Mr. Horan: Presently there is no turn around on Dugan Lane.

Mr. Chan: How can a copy of the report stating that the Highway Superintendent approved this?

Mr. Horan: There is no written report. I had a conversation with him.

Mr. Prager: It is also on record.

Mr. Prager: Is there anyone else in the audience that would like to speak on this application?

Mr. Goodwin: I have built a number of homes in Fishkill and Wappinger. We work with the Board of Health all the time.

Mr. Prager: Can 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: All in favor?

Board: Aye.

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

Mr. Casella: I make a motion to grant this variance with a couple of conditions. We want the hammer head put in. The road needs to be to the town's specks and the driveway needs to be blacktopped. Also, the easement needs to be approved.

Mr. Horan: This is not for the construction of the house but for the road.

Mr. Johnston: Second.

Mr. Prager: Roll call vote.

Ms. Rose:	Al Casella	Aye
	Brian Rexhouse	Aye
	Bob Johnston	Aye
	Howard Prager	Aye

Mr. Prager: Next on the agenda is another Adjourned Public Hearing on:

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

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

Mr. Johnston: Second.

Mr. Prager: All in favor?

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

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

Mr. Casella: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Alexander: My name is Neil Alexander and I represent the applicant.

Mr. Prager: As you can see, we don't have a full board tonight. It is your option to have a vote or wait until we have a full board.

Mr. Alexander: Giving me a choice tells me where you stand. I will continue with it and I would like to discuss where we are. We are open to planting any plants that would conceal the fence. I believe all the permits for the other work has been submitted.

Mrs. Roberti: I am still waiting for the engineering drawings for the brick pillars.

Mr. Horan: In respect to the fence, the board has the authority to approve 12 foot high fences providing there are engineer plans. Along with engineer plans for the pillars, there should be a plan from the engineer on the 12 foot part of the fence.

Mr. Casella: Do you know how long the fence has been there?

Mr. Alexander: I don't know.

Mr. Prager: The owner must know and can you find out from the owner.

Mr. Alexander: Yes. The benefit of this fence is that the noise level is lessened because the house is on a main road and there is a commercial business across the street.

We would like to plant white spruce trees in the middle of each fence panel and boxwood underneath. Our legal theory is that there is no detriment to the community and it benefits my client.

Mr. Prager: I would like to see a drawing of exactly what it is going to look like.

Mr. Horan: One of the concerns the board has is the setting of precedence.

Mr. Alexander: I don't think many people will go to the expense for a fence like that.

Mr. Rexhouse: You indicated that the homeowner wants to fence in the property that does not face Route 376.

Mr. Alexander: They do not plan on installing the same fence that is facing Route 376. They are looking to install a more rustic type of fence. They will come in and meet with Barbara.

Mr. Johnston: Is there some reason why they didn't do that in the first place?

Mr. Alexander: I was told that they hired people and they were under the impression that the contractors would get the permits.

Mr. Horan: If the fence is less than 6 feet high, it doesn't need a permit.

Mr. Alexander: She is looking to install more fencing on Route 376 but it will be less than 6 feet high.

Mr. Johnston: Do you wish to adjourn this?

Mr. Alexander: I think I'll wait for a full board. I'll come back with the information that you have requested.

Mr. Casella: If we don't have a full board, we will let you know.

Mr. Prager: I make a motion to adjourn this until June 10th.

Mr. Rexhouse: Second.

Mr. Prager: All in favor?

Board: Aye.

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 District Zoning Regulations for an R-40 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. Prager: **Do 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. Nicoletti: My name is Thomas Nicoletti and I live at 1 Bowdoin Lane.

Mr. Prager: We have the letter from Central Hudson. (Howard reads letter) my concern is that it is so close to the property line. (See attached letter)

Mr. Johnston: When we were out there we discussed maybe moving it to an L shape. Have you considered that?

Mr. Nicoletti: I did some measurements and it would not work because of the size of the boat and the size of my truck.

Mr. Prager: Are you able to walk between the wall and the carport?

Mr. Nicoletti: I did clean the leaves out of there so you can walk there now.

Mr. Prager: There is no one in the audience for or against this. Can 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: **All in favor?**

Board: Aye.

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

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

Mr. Casella: Second.

Mr. Prager: Roll call vote.

Ms. Rose:	Al Casella	Yes
	Brian Rexhouse	Yes
	Bob Johnston	Yes
	Howard Prager	Yes

Mr. Prager: I would like to add that the area between the wall and the carport be cleaned to give you more room.

Mr. Nicoletti: I will.

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

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

Mr. Casella: 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.**

Meeting ended 8:30PM

Respectfully Submitted,

Sue Rose, Secretary
Zoning Board of Appeals



May 12, 2014

Town of Wappinger
Zoning Board of Appeals
20 Middlebush Road
Wappingers Falls, NY 12590

Re: Central Hudson Parcel
6057-02-746619
561 Wheeler Hill Road

To Whom it May Concern:

Central Hudson is aware of the exact position of the enclosure owned by Thomas and Dana Nicoletti and its proximity to the property line at the above address.

Central Hudson is aware that Thomas and Dana Nicoletti are applying for a variance for the enclosure through the zoning board of appeals. Central Hudson has entered into a license agreement with Thomas Nicoletti for the enclosure.

It is understood that the enclosure can be removed if Central Hudson requires use of the property, as per the license agreement.

Should you have any questions, or require additional information, please feel free to call me at 845-486-5475 or by email at jdinkel@cenhud.com.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Dinkel".

Jackie Dinkel
Real Property Services Representative

CC: Thomas and Dana Nicoletti

284 South Avenue
Poughkeepsie, NY 12601
845-486-5475
Fax: 845-486-5952
jdinkel@cenhud.com

5/13/14 - ZBA - BR - Jim

RECEIVED
MAY 13 2014
PLANNING DEPARTMENT
TOWN OF WAPPINGER

