June 10, 2014 Minutes

MINUTES

Town of Wappinger Zoning Board of Appeals

June 10, 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

Mr. Richard Graham Conflict Attorney

SUMMARY

Nancy Bruner Site Visit & Public Hearing July 8th

Michael & Kristen Simms Site Visit & Public Hearing July 8th

Robert Faust Site Visit & Public Hearing July 22nd

Smart Subdivision Site Visit & Public Hearing July 22nd

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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: The next item on tonight's agenda is the acceptance of the minutes

from May 27, 2014.

Mr. Galotti: I make a motion to accept the minutes from May 27, 2014.

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

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

Appeal No. 14-7528

<u>Nancy Bruner-</u>Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in a R40 Zoning District.

-Where <u>25 feet</u> to the side yard is required, the applicant can only provide <u>1 foot</u>, thus requesting a **24 foot** variance for an existing **12'** X **24'** shed.

The property is located at <u>57 Brother Road</u> and is identified by Tax Grid No. <u>6258-04-892185</u> in the Town of Wappinger.

Ms. Bruner: My name is Nancy Bruner and I live at 57 Brothers Road. The shed was

put in about five years ago and I wasn't aware of what was needed to be

done until I went to sell the house.

Mr. Prager: Is there a reason why you put the shed all the way over here? (Looking at

the map)

Mrs. Bruner: There is a lot of property between the two houses in the back yard and you

really couldn't see it back there. It was also a spot that was level.

Mr. Prager: We will have a site inspection this Saturday. If you could stake out your

property line, it would be helpful.

Mr. Johnston: Is it a pre-fab shed?

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Mrs. Bruner: Yes.

Mr. Prager: We will have a Public Hearing for the next meeting.

Mrs. Roberti: We need to cancel the next meeting which is June 24th.

Mr. Prager: We will schedule it for July 8th.

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

Appeal No. 14-7529

<u>Michael & Kristen Simms</u>-Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in a R20 Zoning District.

-Where <u>40 feet</u> to the rear yard is required, the applicant can only provide <u>32 feet</u>, thus requesting an **8 foot** variance for an 15' X 24' X 52' above ground pool.

The property is located at <u>30 Kent Road</u> and is identified by Tax Grid No. <u>6258-03-310026</u> in the Town of Wappinger.

Mr. Simms: My name is Michael Simms and this is Kristen Simms.

Mr. Prager: Is the pool already installed?

Mr. Simms: No.

Mr. Prager: Please explain why you need this variance.

Mr. Simms: We have a very narrow back yard and if we put it in any other part of the

yard we would need more of a variance.

Mr. Casella: Have you purchased the pool already?

Mr. Simms: No, we have it picked out.

Mr. Prager: I see you have a shed; where is it in relation to your shed?

Mr. Simms: (Pointing to the plot plan) it is here.

Mr. Prager: It is primarily between the shed and the picket fence that is marked on the

map. We will have a site inspection this Saturday. Please have it marked

out and the property lines identified.

Mr. Simms: Already done.

Mr. Prager: The Public Hearing will be July 8th.

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

Appeal No. 14-7524

Robert Faust-Is seeking the following (5) variances of Section 240-37of Zoning Regulations in an R20 Zoning District.

- 1. Where <u>40 feet</u> to the rear property line is required, the applicant can only provide <u>25 feet</u>, thus requesting a <u>15 foot</u> variance for an existing <u>21 foot</u> above ground pool.
- 2. Where <u>20 feet</u> to the side property line is required, the applicant can only provide <u>11feet</u> <u>6 inches</u>, thus requesting an <u>8 foot 6 inch</u> variance for and existing <u>21 foot</u> above ground pool.
- 3. Where <u>10 feet</u> to the left property line is required, the applicant can only provide <u>7 feet</u>, thus requesting a <u>3 foot</u> variance for an existing <u>10 X 16</u> deck.
- 4. Where <u>10 feet</u> to the rear property line is required, the applicant can only provide <u>6</u> <u>inches</u>, thus requesting a <u>9 foot 6 inches</u> variance for and existing <u>10 X 12</u> shed.
- 5. Where <u>10 feet</u> to the left side property line is required, the applicant can only provide <u>1</u> <u>foot 3 inches</u>, thus requesting an <u>8 foot 9 inch</u> existing shed.

The property is located at <u>24 Mac Intosh Lane</u> and is identified by <u>Tax Grid No. 6258004-629003</u> in the Town of Wappinger.

Mr. Faust: My name is Robert Faust and I live at 24 Mac Intosh Lane.

Mr. Prager: Please explain how this all happened.

Mr. Faust: The pool was installed then the shed. The back of the property is

shaped like a pie. The shed is so close because it is very narrow in the back. I didn't realize that permits were needed for these.

Mr. Prager: How long ago did you put the pool and shed in?

Mr. Faust: I put the pool in one year ago and the shed a few years back.

Mr. Prager: We will have a site inspection this Saturday and I would like you to

mark out your property lines.

Mr. Faust: My property is fenced in.

Mr. Prager: The Public Hearing will be July 8th.

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Mr. Faust: I will be on vacation.

Mr. Prager: We will make it then July 22nd.

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

Appeal 14-7527 (Interpretation)

<u>Smart Subdivision-</u>Is seeking an Interpretation of the Determination from the Zoning Administrator in regards to a 2 lot subdivision as it pertains to an existing non-conforming 3 family house. Where a legal non-conforming 3 family exists on 2.059 acres, the applicant is seeking to subdivide the parcel into 2 lots with the legal non-conforming 3 family house to remain. The determination of the Zoning Administrator is that the applicant should remove one unit before subdividing the 2.059 acres into two approximately one acre parcels. The property is 2.059 acres and is located at <u>191 River Road North</u> and is identified as <u>Tax Grid No. 6056-01-</u>241913 in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design) (Cantor)

Appeal No. 14-7526 (variance)

<u>Smart Subdivision</u>—To discuss a proposed 2-lot subdivision where the existing non-conforming legal 3 family home will remain on lot 1 and a second lot will be created in the rear of the parcel. Each lot will be served by private wells and subsurface sewage disposal systems and the existing driveway will continue to be used as a shared driveway for both lots. An individual paper driveway is shown on the plan as an alternate means of ingress/egress for Lot 2. The property is 2.059 acres and is located at <u>191 River Road North</u> and is identified as <u>Tax Grid No. 6056-01-241913</u> in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design) (Cantor)

Mr. Cantor: My name is Richard Cantor and I represent the applicant. Ms.

Smart owns an area slightly over 2 acres on River Road North. It has a three family house which is a non-conforming use in an R 40 zone. The property also contains a pool and a pool house. Ms. Smart is proposing to subdivide the property and have two lots; each being a little over one acre each. One lot would contain the three family house and the other would eventually have a one family house built on it. The pool would remain and the pool house

family house built on it. The pool would remain and the pool house would be removed. Barbara Roberti gave her determination stating that this would violate the Town's code because it would increase the non-conformity of this three family non-conforming house. We

disagree; there would be no change in the three family house.

Mr. Kohler: My name is Dan Kohler and I am the engineer for this project.

(Reviews the proposed map of the subdivision with the board)

Mr. Prager: We will have a site visit this Saturday and a Public Hearing on July

8th.

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Mr. Cantor: If possible, can we have the Public Hearing on July 22nd because I

have a previous appointment.

Mr. Prager: That is fine; July 22nd for the Public Hearing. We also would need

an escrow of \$1,000.

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 motion to adjourn this meeting.

Mr. Galotti: Second.

Mr. Prager: All in favor?

Board: Aye.

Meeting Adjourned: 8:10PM Respectfully Submitted,

Sue Rose, Secretary Zoning Board of Appeals