

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
August 26, 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
Richard Graham	Conflict Attorney

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**SUMMARY**

Geraldine Nostro (Michael Helfer Contrator)	Variance Granted
Donald Brooke	Variance Denied
Matthew & Heather Idema	Variance Granted
Cathy McErlean-Goddard	Site Visit-Public Hearing September 23rd

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----Absent  
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 August 12, 2014.

**Mr. Galotti: I make a motion to accept the minutes from August 12, 2014.**

**Mr. Johnston: Second.**

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

**Board: Aye.**

Mr. Prager: The next item on the agenda is a Public Hearing on:

**Appeal 14-7533**

**Geraldine Nostro (Michael Helfer-Contractor)**-Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in an R40 Zoning District.

-Where **25 feet** to the left side property line is required, the applicant can only provide **11 feet 5 inches**, thus requesting a **13 foot 5 inch** variance for the construction of a **22 X 26** attached garage.

The property is located at **8 Sherwood Heights** and is identified by Tax Grid No. **6258-04-675429** 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. Prager:           Mr. Helfer, we did do another site visit and the new lines that you drew for us now make sense.

Mr. Helfer:           Sorry about that but now it will be an attached garage.

Mr. Prager:           We did do another site visit and understand the plans much better. I have a letter from Kenneth Brown, a neighbor of Ms. Nostro, and he is in favor of the construction of the new garage. (Mr. Prager read letter to audience.) Does any board members or anyone in the audience have any questions? 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. Casella:**       **I make a motion to grant this variance.**

**Mr. Johnston:**     **Second.**

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

<b>Ms. Rose:</b>	<b>Al Casella</b>	<b>Aye</b>
	<b>Peter Galotti</b>	<b>Aye</b>
	<b>Bob Johnston</b>	<b>Aye</b>
	<b>Howard Prager</b>	<b>Aye</b>

Mr. Prager:           The next item on the agenda is another Public Hearing:

**Appeal 14-7534**

**Donald Brooke**-Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in an R40/80 Zoning District.

-Where no more than two accessory buildings shall be permitted in any 1-Family Residence District, the applicant has 3 accessory structures.

The property is located at **62 Marlerville Road** and is identified by Tax Grid No. **605702-765712** in the Town of Wappinger.

Mr. Prager:           Are all the mailings in order?

Ms. Rose: Yes sir.

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

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

**Mr. Galotti: Second.**

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

**Board: Aye.**

Mr. Brooke: My name is Donald Brooke.

Mr. Prager: We did do a site visit a couple of weeks ago.

Mr. Johnston: Is there anything you can take out of that outhouse and put into one of the other sheds?

Mr. Brooke: I probably could but I want to keep the outhouse. It has been there for a hundred years. You don't see any of them anymore. It is part of history.

Mr. Johnston: It's not really a pristine example of an outhouse.

Mr. Brooke: I know it's not the best but look at the age of it. The roof doesn't leak. Everyone has knocked them down and got rid of them.

Mr. Galotti: The issue is the three structures not the outhouse per say. It seems to us that the outhouse would be the easiest to move.

Mr. Casella: It is the smallest of the three.

Mrs. Brooke: The neighbors like it.

Mr. Prager: Is there anyone in the audience that would like to speak on this variance? You don't have to destroy it; you could see if someone else could put it on their property. Since no one else wants to speak on this variance, 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: Can I make a motion to grant or deny this variance?**

**Mr. Johnston: I make a motion to deny this variance.**

**Mr. Galotti: Second.**

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

<b>Ms. Rose:</b>	<b>Mr. Casella</b>	<b>deny</b>
	<b>Mr. Galotti</b>	<b>deny</b>
	<b>Mr. Johnston</b>	<b>deny</b>
	<b>Mr. Prager</b>	<b>deny</b>

Mr. Prager: The next item on the agenda is a Public Hearing on:

**Appeal 14-7535**

**Matthew & Heather Idema**-Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in an R20 Zoning District.

-Where **20 feet** to the left side property line is required, the applicant can only provide **16 feet 8 inches**, thus requesting a **3 foot 4 inch** variance for the construction of a **16 feet X 16 feet** screened porch.

The property is located at **34 Alpert Drive** and is identified by Tax Grid No. **6257-02-765712** in the Town of Wappinger.

Mr. Prager: Are all the mailings in order?

Ms. Rose: Yes sir.

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

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

**Mr. Johnston: Second.**

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

**Board: Aye.**

Mr. Idema: My name is Matthew Idema. I would like to replace my existing deck with a 16 X 16 screened deck. We would like to go out to the end of the house.

Mr. Prager: We did have a site visit. You are not going any further than the house?

Mr. Idema: Not at all.

Mr. Prager: Is there anyone in the audience that is for or against this variance? Hearing none, do I have a motion to close the Public Hearing?

Mr. Powell: My name is Jimmie Powell and I live at 33 Tor Road which is right behind him and I do not have a problem with the variance.

Mr. Prager: Thank you. Do I have a motion to close the Public Hearing?

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

**Mr. Casella: Second.**

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

**Mr. Galotti: I make a motion to grant this variance.**

**Mr. Johnston: Second.**

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

<b>Ms. Rose:</b>	<b>Al Casella</b>	<b>Aye</b>
	<b>Peter Galotti</b>	<b>Aye</b>
	<b>Bob Johnston</b>	<b>Aye</b>
	<b>Howard Prager</b>	<b>Aye</b>

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

**Appeal 14-7536**

**Cathy McErlean-Goddard**-Is seeking an area variance of Section 240-54 (A) and 240-54 (E) of the Town of Wappinger Regulation in an R80 Zoning District.

-Where a **professional studio** use is to be conducted solely within a dwelling unit, the applicant can supply a **detached barn** for studio use.

-Where no more than **500 square feet** for use of a professional studio, the applicant can provide a **1,200 square foot** barn, thus requesting a **700 square foot** variance for the use as a professional studio.

The property is located at **54 Valentine Drive** and identified as **Tax Grid No. 6156-01-140562** in the Town of Wappinger.

Ms. McErlean-Goddard: My name is Cathy McErlean-Goddard and I am interested in purchasing 54 Valentine Drive. There was a fire there and I plan on building a house on the same foot print of the foundation. There is a barn on the property that I plan on turning into my studio. I am a potter. My work is sold in galleries. I won't have any customer traffic. The purchase of this property is contingent on the approval of allowing the barn to become my studio.

Mr. Johnston: If a variance is granted, can any type of artist use it?

Ms. Roberti: If you grant these two variances, she has to go back to the Planning Board for a Special Use Permit. Special Use Permits have conditions. If she sold the property to another artist, they would have to come in for a Special Use Permit. It is not transferable to another owner.

Ms. McErlean-Goddard: It is a steel pole barn. I would need to insulate it and I need water out there.

Mr. Prager: We will do a site visit this Saturday, August 30<sup>th</sup>.

Mr. Prager: Can I have a motion to go into Executive Session for legal advice with Mr. Richard Graham?

**Mr. Casella: I make a motion to go into Executive Session for legal advice with Mr. Richard Graham.**

**Mr. Galotti: 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.**

Adjourned: 8:30PM

Respectfully Submitted,

Sue Rose, Secretary  
Zoning Board of Appeals