

MINUTES

**Town of Wappinger
Zoning Board of Appeals
September 9, 2014**

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

Summarized Minutes

Members:

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

Others Present:

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

SUMMARY

Smart Subdivision	Moved to October 28th
Cathy McErlean-Goddard	Variance Granted
MD Imaging	Site visit & Public Hearing September 23 rd
Susan Rose	Site visit & Public Hearing September 23 rd

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-----Absent
Bob Johnston-----Here
Peter Galotti-----Absent

Mr. Prager: The next item on tonight's agenda is the acceptance of the minutes from August 26, 2014.

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

Mr. Rexhouse: Second.

Mr. Prager: All in favor?

Board: Aye.

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

Adjourned Public Hearing:

Appeal 14-7527 (Interpretation)

Smart Subdivision-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 **191 River Road North** and is identified as **Tax Grid No. 6056-01-241913** in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design) (Cantor)

Appeal No. 14-7526 (variance)

Smart Subdivision- 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 **191 River Road North** and is identified as **Tax Grid No. 6056-01-241913** in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design)

Mr. Prager: It is my understanding that the attorney has asked for another adjournment. Do I have a motion to open the Public Hearing?

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

Mr. Rexhouse: All in favor?

Board: Aye.

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

Mr. Prager: Hearing none, do I have a motion to adjourn this until October 28, 2014?

Mr. Johnston: I make a motion to adjourn this until October 28, 2014.

Mr. Rexhouse: Second.

Mr. Prager: All in favor?

Board: Aye.

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

Appeal No. 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.

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. Rexhouse: Second.

Mr. Prager: All in favor?

Board:

Aye.

- Mr. Prager: Please state your name and the reason you need this variance.
- Ms. McErlean-Goddard: My name is Cathy McErlean-Goddard and I would like to put a house on the existing foundation. The original house had a fire. The pole barn that is on the property, I would like to turn into my pottery studio. Most of my business is with art studios, so there would be no traffic on the property.
- Mr. Prager: We did do a site inspection.
- Ms. McErlean-Goddard: I would have to run heat and water to the barn.
- Mr. Prager: Does anyone know what the barn was used for before? It looks like it was used for some kind of storage.
- Mr. Signorelli: My name is Dan Signorelli and I live at 70 Valentine. The previous owner lived there and he was a private contractor. He had his trucks there sometime and sometimes not.
- Mr. Prager: There seems to have been some digging along side of the house.
- Ms. McErlean-Goddard: From what I have heard from the realtor, that someone started to build a garage.
- Mr. Signorelli: My concern is that this is a private road that I maintain. I was interested if there were employees or customers coming on the property. I have an easement with one other house on the road. This gives me permission to maintain the road.
- Ms. McErlean-Goddard: No, it will only be me.
- Mrs. Roberti: Do you have a maintenance agreement with your neighbors?
- Mr. Signorelli: Yes I do. I buy item 4 a couple of times a year and my neighbor plows it.
- Mr. Prager: You may want to talk to Mr. Signorelli and have some agreement with him.
- Ms. McErlean-Goddard: I plan on it. It is in my interest to do so.
- Mr. Prager: Is there anyone else in the audience that would like to speak for or against this variance? Hearing none, do I have a motion to close the Public Hearing?
- Mr. Johnston: Mr. Signorelli, were you here for or against this variance?

Mr. Signorelli: Really just for information.

Mrs. Roberti: She will now need to go back to the Planning Board and will have another Public Hearing. At that time, everything will be spelt out.

Mr. Horan: Will you be using the studio for any personal storage?

Ms. McErlean-Goddard: The barn is approximately the same size of the area that I am renting now. I have a lot of equipment.

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

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

Mr. Rexhouse: Second.

Mr. Prager: All in favor?

Board: Aye.

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

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

Mr. Rexhouse: Second.

Mr. Prager: Roll call vote.

Ms. Rose:	Brian Rexhouse	Aye
	Bob Johnston	Aye
	Howard Johnston	Aye

Mrs. Roberti: For the record if the Special Use Permit is granted, she would not be able to use the barn for a studio until the house is constructed and a c/o is given.

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

Appeal No. 14-7537

MD Imaging-Is seeking an area variance of Section 240-29 of the Town of Wappinger Regulation in a HB (Highway Business) Zoning District.

-Where **10 feet** in height is maximum for a free standing sign, the applicant is requesting a **15 foot** high free standing sign; thus requesting a **5 foot** variance for a free standing sign.

-Where a maximum of **25 square feet** is required for a free standing sign, the applicant is requesting a **73.5 square foot** free standing sign; thus requesting a **48.5 square foot** variance.

The property is located at **1323 Route 9** and is identified as Tax Grid No. **6157-02-563544** in the Town of Wappinger.

Mr. Walsh: My name is Thomas Walsh and my company is Sign Language and I represent MD Imaging. It is the Dutchess Medical Arts building and there are a number of tenants there. This office will be around the back of the building. There is a sloop where the sign is now and to make the sign more visible to the drivers on Route 9 we are asking for additional footage. The sign will be for all the tenants.

Mr. Johnston: Is this to replace the sign that is there now?

Mr. Walsh: Yes.

Mr. Prager: Will the lettering be that small? (Pointing to the picture)

Mr. Walsh: It will be about that size.

Mr. Prager: We will do a site visit and September 23rd will be the Public Hearing.

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

Appeal No. 14-7538

Susan Rose- Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in an R 20/40 Zoning District.

-Where **50 feet** to the front yard on the Card Road side is required, the applicant can only provide **31.4 feet**; thus requesting a **18.6 foot** variance for the construction of an addition to an existing single family dwelling.

-Where **50 feet** to the front yard on the South Fowlerhouse Road side is required, the applicant can only provide **18.4 feet**; thus requesting a **31.6** foot variance for the construction of an addition to an existing family dwelling.

The property is located at **7 Card Road** and is identified as Tax Grid No. **6157-04-526258** in the Town of Wappinger.

Mr. Cappelli: My name is Alfred Cappelli and I am representing the applicant. This addition will make this house a mother-daughter dwelling. Originally we were going to put on a second floor to replicate the first floor. The kids were going to go up stairs and Sue stay down stairs. Then there was a thought of adding a small apartment upstairs for Sue but she cannot use the stairs. We decided to add some living space behind the master suite. Sue will have the right side of the house and the kids will have the left side of

the house. We did have a survey done and found that there is not enough footage for an addition and that is why we are here tonight. The addition will include a small kitchen, a small dining area and a small living room. It will also have its own entrance.

Mr. Prager: We will have a site visit on the 20th.

Mr. Johnston: I will not be able to make it on the 20th so I will have to come during the week. For the record, I know the applicant and it will not have any bearing on my decision.

Mr. Rexhouse: I also know the applicant and it will not have any bearing on my decision.

Mr. Prager: I also know the applicant and it will not have any bearing on my decision. Can I have a motion to go into Executive Session for legal advice?

Mr. Johnston: I make a motion to go into Executive Session for legal advice.

Mr. Rexhouse: 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. Rexhouse: Second.

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

Mr. Johnston: I make a motion to adjourn this meeting.

Mr. Rexhouse: Second.

Mr. Prager: All in favor?

Board: Aye.

Adjourned: 8:30PM

Respectfully Submitted,

Sue Rose, Secretary
Zoning Board of Appeals