

MINUTES

**Town of Wappinger
Zoning Board of Appeals
November 12, 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
Jim Horan	Attorney to the Town

SUMMARY

LMD Property Holdings-La Fonda	Variance Granted
Edward Baecher	Variance Granted
Lorraine Herreros	Public Hearing & Site Visit

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 October 28, 2014.

Mr. Johnston: A correction needs to be made on page 7. I make a motion to accept the minutes with the changes.

Mr. Galotti: Second.

Mr. Prager: All in favor?

Board: Aye.

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

Appeal 14-7540

LMD Property Holdings-La Fonda- Is seeking an area variance of Section 240-37, Schedule of Dimensional Regulations in Non-Residential Districts, Attachment 4 of the Town of Wappinger Regulations in an HB Zoning District.

-Where the code allows 2.5 stories and/or 35' height, the applicant is seeking a variance to allow a third story in three residential apartment units. This site contains a mix of residential and commercial uses.

The property is located at **Old Route 9 and Old Hopewell Road** and is identified as **Tax Grid No. 6157-02-542585** 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. Casella: I make a motion to open the Public Hearing.

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

- Mr. Myers: My name is Mike Myers for LMD. The property was the former La Fonda property. We will be submitting to the Planning Board a formal application. We did want to come before you first. We are looking to build a bank pad and multifamily dwellings. It does fit into the zoning regulations. The reason why we are here is because the zoning code call for 2 ½ stories. What we designed was 3 stories and we are here for a variance. We are not asking for any addition height. We are still going to fit into the 35 foot height requirement as per the town code. This discussion is about what is a half story and a full story.
- Mr. Prager: I do have some paper work I would like to get into the record. We did receive a comment from the Hughsonville Fire District, Richard Cantor, a copy of zoning information from the Preserve, a comment from Dutchess County Planning and a letter from Mark Lieberman the Fire Inspector. (Mr. Prager reads the letters) (Letters are attached)
- Mr. Prager: Is there anyone on the board that has any comments? Is there anyone in the audience that would like to speak for or against this variance?
- Mr. Bostwick: My name is Robert Scott Bostwick and I live at 165 Old Hopewell Road. This plan over the years has bounced back and forth. My concern and the concern of my neighbors that are here tonight is the traffic on Old Hopewell Road. I am asking the Planning Department, the developer and the County take into consideration the neighbors.
- Mr. Prager: The road and traffic is more of a concern of the Planning Board. We are here tonight for the clarification of 2 ½ stories versus 3 stories.
- Mr. Campbell: My name is Carl Campbell and I live at 125 Curry Road. Can you explain the difference between 2 ½ stories versus 3 stories?
- Mr. Horan: The difference between a full story and a half story is similar to a Cape Cod style house. The sloping roof is considered a half story. A full story would be a flat roof across the entire width of the building. The applicant choose to come in to clarify the code and to get a variance if needed. The Preserve, which is down the road from this proposed application, they are in a RMF3 zone. That zone allows 3 story buildings within a 35 foot height. In the HB district, which this is in, the code calls for a 2 ½ story within a 35 foot height.
- Mr. Myers: We are not proposing a flat roof. It is a pitched roof like a normal house.
- Mr. Prager: Is there anyone else in the audience that would like to speak? Let the record show there is no one else in the audience that would like to speak.
- Mr. Horan: DEC has a tool called the EAF mapper. You click on a lot and it automatically fills out certain boxes. Where it says archeological sites, it says yes. It is kicked out by the program. I don't know if it came up with the prior La Fonda site. I don't know if this is an error.
- Mr. Myers: I don't know of anything about that. This will be studied in the planning process.
- Mr. Horan: This was done by what is called an Uncoordinated Review. Our review is separate from the Planning Board. They have the right to go back and address these issues during site plan review. We need to note that these issues will be addressed by the

Planning Board. We have looked at these issues and we do not believe based on this application before us that this is not going to be a problem granting the variance because the application before us does not have any environmental issues. The applicant needs to know the issues going forward.

Mr. Myers: We will have Chazen look into it.

Mr. Horan: This issues will need to be addressed by the Planning Board. I had Mrs. Roberti pull the Negative Declaration from the La Fonda application and these issues were not a concern. The last Negative Declaration was adopted in 2008. If the board wishes to adopt a Negative Declaration with respect to this action, they can.

Mr. Galotti: I make a motion to adopt the Negative Declaration.

Mr. Casella: Second.

Mr. Prager: All in favor?

Board: Aye.

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

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

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

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

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

Mr. Casella: Second.

Mr. Prager: Roll call vote.

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

Mr. Horan: Just one amendment; to make this conditioned upon site plan approval by the Planning Board.

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

Mr. Prager: The next item on the agenda:

Appeal No. 14-7541

Edward Baecher- Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in an R 40 Zoning District.

-Where **25 feet** to the left side yard is required, the applicant can only provide **15 feet**; thus requesting a **10 foot** variance for a replacement deck.

-Where **25 feet** to the left side yard is required, the applicant can only provide **17.6 feet**; thus requesting a **7.4 foot** variance for the legalization of the house.

The property is located at **19 Larissa Lane** and is identified as Tax Grid No. **6358-01-310512** in the Town of Wappinger.

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. Prager: Are all the mailings in order?

Ms. Rose: Yes sir.

Mr. Baecher: My name is Edward Baecher and I need this variance to rebuild a porch. I bought this house about two months ago and the porch is falling apart. I also need to legalize the house.

Mr. Prager: The house is already built and it needs extra footage to make it within code. Is the deck going to be larger?

Mr. Baecher: No it is the same footprint.

Mr. Prager: Is there anyone in the audience for or against this? Is there anyone on the board with questions? We all were out for a site visit and we didn't see any problems.

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: 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.

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

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

Appeal No. 14-7542

Lorraine Herreros- Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in an HM Zoning District.

-Where **5 feet** to the right side yard is required, the applicant can only provide **2 feet**; thus requesting a **3 foot** variance for an existing carport.

The property is located at **11 Leskow Circle** and is identified as Tax Grid No. **6356-01-250974** in the Town of Wappinger.

Ms. Herreros: My name is Lorraine Herreros and I live at 11 Leskow Circle.

Mr. Prager: How long has the carport been there?

Ms. Herreros: About 25 years.

Mr. Prager: Did you have it put up?

Ms. Herreros: Yes.

Mr. Prager: Anyone on the board have any questions? What we will do is have a site visit this Saturday.

Mr. Galotti: Is the property line the fence?

Ms. Herreros: Yes.

Mr. Prager: The Public Hearing will be for the next meeting.

Mr. Prager: Do I have a motion to accept the meeting dates for 2015.

Mr. Rexhouse: Second.

Mr. Prager: All in favor?

Board: Aye.

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

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

Mr. Johnston: **Second.**

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

Board: **Aye.**

Respectfully Submitted,

Adjourned: 7:35 PM

Sue Rose, Secretary
Zoning Board of Appeals