

Town of Wappinger  
Zoning Board of Appeals  
February 24, 2015

Town Hall  
20 Middlebush Road  
Wappinger Falls, NY

**Members Present:**

Mr. Rexhouse	Member
Mr. Johnston	Member
Mr. Casella	Member
Mr. Prager	Chairman

**Member Absent:** Mr. Galotti Member

**Others Present:**

Mr. R. Graham	Attorney
Mrs. B. Roberti	Zoning Administrator
Mrs. M. Gale	Acting Secretary

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**SUMMARY**

Mr. V. Meliti Variance – Granted

Stewarts Shop Variance – Adjourned Public Hearing 4-28-15

Mr. Prager: May I have a motion to accept the 2-10-15 minutes:

**Motion to Approve Minutes 2-10-15**

**Motion – Mr. A. Casella**  
**Second – Mr. R. Johnston**  
**All – Aye**

**Public Hearings:**

**Appeal No. 15-7543**

**Virgil Meliti, Jr.**-Seeking an area Variance of Section 240-37 & 240-30(B)of District Regulations in an R-40 Zoning District.

-Where **25 feet** to the left side yard is required, the applicant can only provide **18 feet**; thus requesting a **7 foot** variance for an addition to his existing garage.

-Where the **code states...in no case shall Accessory Structures have a footprint greater** than 600 square feet nor a height in excess of 20 feet. The applicant is proposing an **addition to his garage for a total of 1152 square feet**, thus requesting a **variance of 552 square feet**.

The property is located **179 Dorothy Lane** and is identified as **Tax Grid No. 6257-04-609026** in the Town of Wappinger.

Mr. Prager: Michelle, are the mailings in order?

Mrs. Gale: The mailings are in order, I just need to get the green cards, did you get those Mr. Meliti?

Mr. Militi: Yes

**Motion to Open Public Hearing**

**Motion – Mr. A. Casella**  
**Second – Mr. R. Johnston**  
**All – Aye**

Mr. Prager: Can you describe what you want and why, we were out there to see everything.

Mr. Meliti: I've been a car collector for many years, I have 5. Along with a motorcycle, various lawn tools, have small hobby I do in my basement, would like to move into garage, along with my cars. Already have an existing garage there, more cost effective. The whole garage will be done over to match exterior of my home.

Mr. Prager: You purchased the home when?

Mr. Meliti: I purchased the home in 1981.

Mr. Prager: Was the garage there at that time?

Mr. Meliti: Yes it was.

Mr. Johnston: Did you say you were going to take out the present garage?

Mr. Meliti: I'm attaching to the garage that's there now.

Mr. Johnston: That's a substantial variance, is there any way to reduce the size?

Mr. Meliti: Not really, I did some measurements and I really need every bit of that to get four cars into it. It will look nice when done.

Mr. Johnston: Are you having heat and electricity in the garage?

Mr. Meliti: Not heat, I have electricity there now, I'll have 220 amps of electricity.

Mr. Johnston: Have you always had these cars?

Mr. Meliti: I have had a bunch of cars. Due to a heart condition, can't shovel snow.

Mr. Prager: Is there anyone in the audience who would like to ask any questions? (None asked) Let record show no one in audience for or against it. I have a few questions are you going to be storing cars – you're not starting a business there?

Mr. Meliti: No

Mr. Prager: Any other questions – anyone on the board?

(None)

Mr. Prager: Can I have a motion to close the public hearing.

**Motion to close: Mr. Johnston**

**Second: Mr. Rexhouse**

**All in Favor: Aye**

Mr. Prager: Can I have a motion to grant/deny the variance?

Mr. Rexhouse: I make a motion to grant, I don't think any other benefit could be achieved by any other means, I don't think it's undesirable in the neighborhood, I don't think it's substantial, and I don't think it will have an adverse effect on the urban environment.

Mr. Prager: Second?

Mr. Casella: I'll second

**Mr. Prager: Roll call**

**Mr. Rexhouse: Yes**

**Mr. Johnston: Yes**

**Mr. Casella: Yes**

**Mr. Prager: Yes** - even though very substantial, under these conditions, not even going to be seen from the road – I would also vote to grant the variance.

**Appeal No. 15-7544**

**Stewart's Shops Corp. #325:** Seeking an area Variance of Section 240-52(A) & 240-52(E) of District Regulations in an CC Zoning District. The applicant is currently before the Planning Board for an amended site plan and Special Use Permit to add a gasoline filling station to the existing Stewart Shop.

-Where **1000 feet is required** from a residential district, the applicant can provide **200 feet**, thus **requesting a variance of 800 feet** to allow issuance of a Special Use Permit for a proposed gasoline filling station.

-Where **2,500 feet is required** between gasoline filling stations, the applicant can provide **1,425 feet**, thus **requesting a variance of 1,075 feet** to allow issuance of a Special Use Permit for a proposed gasoline filling station. The property is located at **2048-2054 Route 9D** and is identified as **Tax Grid No. 6056-02-776904 & 6056-02-783920** in the Town of Wappinger.

Mr. Prager: Do we have all the mailings?

Mrs. Gale: I have the receipts I also need the green cards.

Mr. Graham – Submitted green cards

Mr. Prager: Can I have a motion to open the public hearing?

**Motion to open public hearing - Mr. Johnston**  
**Second: Mr. Casella**  
**All in Favor – Aye**

Mr. Prager: State your name, tell us about what you need

Chuck Marshall – Real estate representative from Stewarts – seeking two (2) area variances One is the relief from the 2,500 feet from between gas station the other is 1,000 ft. from the closest residential, on residential – that is property line to property line and not where the equipment is located. On the commercial side – from gas station to gas station, dates back 50 years was brought about when there was concern about, gas stations being close proximity exploded, gas tanks now are double wall fiberglass tanks, likely hood of that happening today has greatly diminished. The reason we are seeking the variance is because customers are used to one stop shopping, other locations throughout region – we have approximately 330 stores 275 which have gas, stores that don't have gas are sometimes storefronts. Without gas this store faces possible closure it does suffer from competitor north having gas. In regards to it affecting the character of the neighborhood,

Route 9D is commercial corridor, feel this is an addition of a service and not asking for a use variance, here for area relief. The second thing – looking at an area of 1,500 ft. or 1,425 ft. we acknowledge that is a substantial variance that would not exist under current situation, 2,500 ft. from a competitor is a pre-dated code from today's technology. Need variance in order for the store to compete.

Mr. Prager: Why do you think that this distance from a residential property was put into the code, that they wanted that distance from a residential property?

Mr. Marshall: Previous concern was before tank technology from the way it is now – caused concern. It is a petroleum product, it is registered with DEC there is cause for monitoring, and we comply with it.

Mr. Casella: How long has this store been open? Been open a long time and you survived without having gas stations before, and how many are you expecting to put in?

Mr. Marshall: From the site plan – we anticipate putting in four (4) pumps. My predecessor did not think it was essential – as you see more and more one stop shopping has become the norm.

Mr. Prager: Does anybody in the audience have any questions?

Mr. Rexhouse: I have a question – in here you say your proposed action will not see an increase in traffic.

Mr. Marshall – I don't think it will be a substantial increase in traffic – the way the Institute for Transportation engineers manual – a four pump station would generate approximately 120 cars for the AM – 125 in the PM – they are assuming approximately 65% of those cars were already on the road, those 120 cars are already on the road – they going to stop at Stewarts because they need gas.

Mr. Casella: Are you going to change the entrance and the exits – one of us went into the exit instead of the entrance.

Mr. Marshall: The entrance to the south would remain, the entrance to the north would be combined with the existing curb cut and they would be placed in the middle, there will be two (2) curb cuts, which DOT would be governing body whether they can achievable or not. Site plan should show two curb cuts.

Mr. Cantor: Please keep the public hearing open – why I looked at review comments made by Mr. David Stolman, F.P. Clark at the planning board – and David indicated that under the town code this is a type 1 action – type 1 required a coordinated environmental review which hasn't been yet been coordinated, required a full environmental assessment form and the applicant here has submitted only a short environmental assessment form and the process of going through a review will produce a lot of information. Keep hearing open and allow the SEQRA process.

(Read Mr. Stolman's comment – at least two questions about wetland impacts and questions about flood plain impacts.)

Mr. Graham: For the record - who is your client?

Mr. Cantor: I will be making a written submission and identify the clients, not going to be a secret. There will be full disclosure – just not this evening. According to Mr. Marshall's application there will be to two properties one that Stewards' owns and the one that Stewards is going to buy, I haven't seen in your material – a Consent Form from the owner of the non-Stewarts property for this application, if there is – I missed it, if there isn't I think that's needed to make sure that the owner of the non-Stewarts property has consented to this application.

Mr. Prager: I don't have one either.

Mr. Marshall: Mr. Macho is here this evening

Mr. Prager: State your name

Robert Macho: I am the owner – yes, there is a consent form, it was submitted

Mr. Prager: Do we have that form, Mrs. Roberti?

Mrs. Roberti: I think it is in the Planning Board file

Mr. Prager: Can we get a copy. Is there anything else, anybody on the board – how do you feel about this environmental impact?

Mr. Caselli: I think it's a good idea, let's see what the environmental issues are.

Mr. Prager: Addressing Mrs. Roberti – the Planning Board is doing that?

Mrs. Roberti: They came before the board just last month, and they were told to come here – in light of everything, you should really go back to the Planning Board in March and ask them to declare themselves the lead agency.

Mr. Marshall: I will have to go back to the planning board and have them declare themselves, lead agency. I did not receive the comments by Mr. Stolman until the night of the planning board meeting.

Mrs. Roberti: If you're going to adjourn this – I recommend that you go out far enough, Mr. Marshall needs to go to the planning board, they need to authorize lead agency to be sent and there's a 30 day clock for the agencies to reply back.

Mr. Prager: How long would that be?

Mrs. Roberti: At least the second meeting in April

Mr. Marshall: The first meeting for the planning board – when will that be?

Mrs. Roberti: March 16<sup>th</sup> is the next agenda, if you're going to submit something – I'm going to need it as soon as possible, if they authorize lead agency to be sent out, give 2 or 3 days for Dave Stolman's office to send that to us, I recommend April 28<sup>th</sup>, you have full EAF, you'll have lead agency declared and you can continue.

Mr. Casella: Mr. Cantor – when are you going to tell us who your client is, how long?

Mr. Cantor: Within a week or two, you will have a written submission.

(Discussions between Mr. Graham, Mr. Prager and Mr. Marshall continued addressing issue relating to planning board and other items.)

Mr. Cantor: What is your decision as to date to adjourn public hearing?

Mrs. Roberti: April 28<sup>th</sup>

Mr. Prager: I need a motion – adjourning public hearing until April 28<sup>th</sup>

**Motion: Mr. Johnston**  
**Second: Mr. Casella**  
**All – Aye**

**Motion to go into Executive Session:**

**Motion: Mr. Casella**  
**Second: Mr. Johnston**  
**All – Aye**  
**7:45PM**

**Motion to come out of Executive Session:**

**Motion: Mr. Johnston**  
**Second: Mr. Casella**  
**All – Aye**

**Motion to adjourn meeting:**

**Motion: Mr. Johnston**  
**Second: Mr. Casella**  
**All – Aye**

Respectfully Submitted,

Adjourned: 8:45PM

Michelle Gale  
Acting Secretary  
Zoning Board of Appeals