

MINUTES

**Town of Wappinger
Zoning Board of Appeals
July 14, 2015
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Prager	Chairman	Present
Mr. Casella	Member	Present
Mr. Johnston	Member	Present

Others Present:

Mrs. Barbara Roberti	Zoning Administrator
Mrs. B. Ogunti	Secretary
Jim Horan	Town Attorney

SUMMARY

Public Hearing:

Michael & Sandra Krajewski -Granted Variance

Decision:

Anthony Burger -Public Hearing on August 6, 2015

Rene & Rita Foucaud -Public Hearing on August 6, 2015

Lawrence Pariseau -Public Hearing on August 6, 2015

Randolph School -Public Hearing on August 6, 2015

Mr. Johnston: **Motion to approve the minutes for June 22, 2015.**
Mr. Casella: Second the motion.
Vote: All present voted aye.

Appeal No. 15-7558 (Variance)

Michael & Sandra Krajeski: Seeking an area variance Section 240-37 of District Regulations in an R-20 Zoning District.

-Where **75 feet** to the front yard property line is required to a county or state road, the applicant can only provide **55 feet** to construct a **10 x 20 feet** deck with hot tub, thus requesting a variance of **20 feet**.

-Where accessory structures must comply with all minimum yard setback requirements for buildings, but in no case shall they be permitted in the front yard, the applicant is requesting a variance for encroachment into front yard.

-Where the side yard requirements are **20 feet** in an R-20 Zone, the applicant could only provide **13 feet** for an above ground pool installed in November 1992, thus requesting a **7 feet** variance.

The property is located at **45 Regency Drive** and is identified as **Tax Grid No. 6257-02-973510** in the Town of Wappinger.

Mr. Prager: Are the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Casella: **Motion to open the Public Hearing.**

Mr. Johnston: Second the motion.
Vote: All present voted aye.

Mr. Prager: Please come up and state your name for the record.

Mr. & Mrs. Krajeski: I'm Michael Krajeski and I'm Sandra Krajeski.

Mr. Prager: For the record and for everyone that's here, please state what you need and why you need it.

Mrs. Krajeski: We need to extend our deck out 10 feet from its current place which extends out to the side of the yard for a hot tub pad as well as extending the deck.

Mr. Prager: We were out there for a site inspection of the property and saw the way the property is situated. Does anyone have any question?

Mr. Johnston: Are you also going to extend the fence?

Mr. Krajeski: Yes, we are going to tear down the existing fence and push it out.

Mrs. Roberti: Just for the record, Dutchess County Planning was notified and it's a matter of local concern.

Mr. Prager: Yes, we do know that it is on an easement and you got permission from the Town to keep the shed there and that was okay.

Mr. Prager: Is there anyone in the audience who would like to speak for or against this variance?

Mr. Johnston: Motion to close the Public Hearing.

Mr. Casella: Second the motion.

Vote: All present voted aye.

Mr. Johnston: Motion to grant the applicant the variance, it is not an undesirable change to the character of the neighborhood and is not very substantial. I don't believe there would be any adverse physical or environmental effects.

Mr. Casella: Second the motion.

Vote: All presented voted aye.

Roll call: Mr. Prager – Aye.

Mr. Johnston – Aye.

Mr. Casella – Aye.

Mr. Prager: We have a few items on the agenda for discussion tonight. For those of you who have never been here before, what we basically do in the discussion is get the information from the party. If we need more information, we will ask you to bring it back and get it to our secretary before the next meeting. This gives us a good idea of what you are asking for.

Appeal No. 15-7560 (Variance)

Anthony Burger: Seeking an area variance Section 240-37 of District Regulations in an R-20/40 Zoning District.

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **26 feet** for the addition and alteration of an **8" x 10"** attached shed to garage with electric, thus requesting a variance of **24 feet.**

The property is located at **63 Osborne Hill Road** and is identified as **Tax Grid No. 6156-02-627920** in the Town of Wappinger.

Mr. Prager: Good evening, please come up and state your name for the record.

Mr. Burger: Hi I'm Anthony Burger, 63 Osborne Hill Road. Thank you for hearing this case.

Mr. Prager: Please explain exactly what you are doing, what you need and why you need it.

Mr. Burger: I have a hobby and I restore classic American muscle cars and I'm running out of workshop space and room to store various tools that I use. I currently run in and out of my house and in the winter time and it's not conducive to walk parts back and forth. Currently residing in my garage is a 1968 GTO and a 1984 Monte Carlo Sup both of which are very long and I don't have room to store my tools.

- Mr. Prager: Looks like it's just in the rear.
- Mr. Burger: Yes, it's in the rear.
- Mr. Prager: I am familiar with the area. What we are going to do is have a site inspection this Saturday. We usually start around 9:00 am and you don't have to be there but if you are it would be good in case we have any questions. Do you have a plot plan of your property?
- Mr. Burger: You mean an engineer's survey? Yes, I have a survey and it should have been attached.
- Mr. Johnston: Is this an attachment to your garage?
- Mr. Burger: Yes, I would like to attach it to my garage.
- Mr. Prager: What I would like you to do is mark out that the corner where the 24 feet is.
- Mr. Burger: How would you like me to mark it?
- Mr. Prager: Just put sticks in the ground.
- Mr. Burger: So measure from the back line to the 26 feet.
- Mr. Prager: What I would also like you to do is mark out with a paint or a line on the ground exactly where the structure is going to be. We will be there around 9:00 am. We have a little change to the agenda for the next meeting since we do not think we will have a quorum on July 28, 2015, so it will now be on August 6, 2015.
- Mr. Burger: I think that evening should be okay.
- Mrs. Roberti: We have to change the date on the Public Hearing notice. Could you swing by the office tomorrow after 12:00 pm to pick it up?
- Mr. Burger: Thank you. Just for clarification, you need the point marked 26 feet from my property line next to the building?
- Mr. Prager: Yes, that way we can find out exactly where the mark is to the new footprint.
- Mr. Burger: Okay, thank you.

Appeal No. 15-7561 (Variance)

Rene & Rita Foucaud: Seeking an area variance Section 240-37 of District Regulations in an R-40 Zoning District.

-Where accessory structures must comply with all minimum yard setback requirements for buildings, but in no case shall they be permitted in the front yard, the applicant is requesting a variance for encroachment into front yard for an existing **9' x 18'** shed.

The property is located at **140 Dorothy Lane** and is identified as **Tax Grid No. 6256-02-557952** in the Town of Wappinger.

Mr. Prager: Please state your name for the record and tell us what you need and why you need it.

Mr. Berta: My name is Michael Berta and I am the architect for the applicant.

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

Mr. Berta: The structure has been there for a little over a year. He's always stored his wood in his front yard and with the snow we've had the past couple of years, he got tired of having to shovel off the blue tarp in order to get to his wood. His house is electric so he heats by wood stove and constantly going back and forth into the wood pile. To make his life easier, he built on top of it instead of having to deal with the blue tarp and it's tucked in.

Mr. Prager: We will do a site inspection to look at it on Saturday morning, July 18th.

Mr. Berta: I have two pictures for you, this is the picture from Dorothy Lane and there's the view just inside the property line.

Mr. Johnston: What's the dimension of the shed?

Mr. Berta: The shed is 9' x 8' and at the highest point it's a little less than 6 feet tall.

Mr. Prager: Was there a reason why he put it in the front instead of the rear?

Mr. Berta: It actually makes life easier because he comes in and out of the garage door and he has his tractor he just pull in and out and then delivery just made everything easier for him.

Mr. Prager: We will take a look at it and I think we are happy with what you have given us. We will schedule a Public Hearing for August 6, 2015.

Mrs. Roberti: Would you be able to swing by the office after 12:00 pm tomorrow and pick up the Public Hearing notice?

Mr. Berta: Yes, I can stop by.

Mr. Prager: No one really has to be there on Saturday morning when we come.

Mr. Berta: I will let the owner know. Thank you.

Appeal No. 15-7559 (Variance)

Lawrence Pariseau: Seeking an area variance Section 240-37 of District Regulations in an R-3A Zoning District.

-Where **50 feet** to the left side yard setback is required, the applicant can only provide **40.3 feet**, thus requesting a variance of **9.7 feet** to construct a deck.

-Where **50 feet** to the right side yard setback is required, the applicant can only provide **42.5 feet**, thus requesting a variance of **7.5 feet** to construct a deck. The property is located at **146 Diddell Road** and is identified at **Tax Grid No. 6359-02-659517** in the Town of Wappinger.

Mr. Prager: Good evening, tell us what you need and why you need it.

Mr. Pariseau: Good evening, my name is Larry Pariseau of Ohana Farm. I purchased two pieces of property through foreclosure, 144 and 146 on Diddell Road which are contiguous to one another. The left side deck which requires 10 feet and I checked with a surveyor and the property line runs parallel to the left and has .3 feet extra than what you need from the buffer. It's hard to see because it was not done from a construction plan, it was free drawn so if you measure it, we actually have a foot.

Mrs. Roberti: Which one?

Mr. Pariseau: This one and I need .7 feet on the left side.

Mr. Johnston: Is the deck preexisting?

Mr. Pariseau: Yes, since 1982 to the best of my knowledge.

Mrs. Roberti: You are in an R-3A zoning which means you need 50 feet to side and those are two sides. This is a lot that was created behind another one and the people that owned it prior to this gentleman were in violation for a house that was built on the back lot without permit and for these decks. He bought it and unfortunately it still has violations. So when you are doing zoning, whatever faces the road is considered the front even though the house might be on the side. So this is his front, this is his rear and these are both sides and in an R-3A zoning you need 50 feet on the side so he has 63 to house.

Mr. Pariseau: So 63 to house minus 14 feet and 8.7 feet.

Mr. Prager: Right now it looks like it is .7 feet instead of 9.7 feet to the left?

Mr. Pariseau: Yes.

Mr. Johnston: Is that counting the deck?

- Mr. Pariseau: It is counting the deck. I brought a few documents for you to look at, one is the law and the other is the way I interpret it so maybe you guys should take a look at it and let me know. As a farm, apparently there are no setbacks.
- Mr. Prager: Yes, we will look at it.
- Mrs. Roberti: If it's a barn or a shed or anything used for agriculture, you don't need setbacks but if it's anything habitable, and that's a residence it has to meet all the setbacks.
- Mr. Pariseau: My interpretation is if someone lives in the residence who works for the farm that building is no longer considered the primary residence and if any part of it is used, that part is considered habitable.
- Mrs. Roberti: So we have 5 residents on Mountain View Farm and they are all residences and some of them predate zoning but they all have to meet setbacks.
- Mr. Pariseau: It's really .7 feet to the contiguous of the property and that's all that I am requesting.
- Mr. Prager: Okay, that's fine.
- Mr. Casella: We will need to update the wording on this then.
- Mr. Prager: We will schedule a site inspection for Saturday, July 18th around 9:30 am and it usually doesn't take that long.
- Mr. Pariseau: It's a farm so wear boots.
- Mr. Prager: Okay.
- Mrs. Roberti: Larry, your Public Hearing is going to be on August 6, 2015. Could you stop by the office after 12:00 pm tomorrow to pick up the Public Hearing notices?
- Mr. Pariseau: Okay. Thank you.

Appeal No. 15-7562 (Variance)

Randolph School: Seeking an area variance Section 240-58 (C) of District Regulations in an R-20/40 Zoning District.

-Where the minimum setback from adjacent residential properties shall be twice that otherwise required in the district in which the property is located.

-Where **100' 0"** rear yard setback required, the applicant can only provide **51' 0"**, thus requesting a variance of **49' 0"** for the construction of a **2000 square feet** accessory building for the library and arts studio.

The property is located at **2467 Route 9D** and is identified as **Tax Grid No. 6157-01-216814** in the Town of Wappinger.

Present: Chris Berg – Architect
Ben Miles – Director
Kathryn Tomkins – Admissions Coordinator
Karen Teich – Randolph School

Mr. Prager: Good evening.

Mr. Berg: Good evening, Chris Berg of Berg & Moss Architects and I'm here to represent the Randolph School.

Mr. Prager: Tell us what you want to do and why.

Mr. Berg: The school is going through a small expansion and they are reorganizing their classroom structure and looked at a different number of options in putting in mobile classrooms on their existing building. They've reached the conclusion that building a new structure for their art studio and library functions is the most beneficial to the school as well as the students. The locations which they chose to place the building is in the rear of the property and it's approximately 4.2 acres close to their amphitheater. What we are doing is providing the art studio and library within close proximity to the performing arts area. With that being said, they are close to the 50 feet boundary of their rear property line and because it's a school in a residential district, they have to double that.

Mr. Prager: Why are you putting it there when you have a lot of room?

Mr. Berg: There is a lot of room throughout the campus and we did look at other places which would impact the parking situation. There's a large field directly to the southwest which is their ball field as well as their septic system which was recently replaced this past year. The other location is on top of the hill but it was much more costly to place it on the hill.

Mr. Prager: Again, that's why we do a site inspection because it gives us a better perspective. I also notice on this plan that you have an existing shed that's going to be removed so why can't you bring that closer to the existing 2-story school?

Mr. Berg: It was really a question about cost and where the shed is it's about 10 feet higher than down by the amphitheater. We try to keep it a very simple 2000 sf structure associated with the program's natural features of the site.

Mr. Casella: Chris, what is between the upper playground side yard setback, it looks like a pretty big space.

Mr. Berg: It's an upper ledge and it's about 20 feet higher than what we are talking about here. We did look at that area and it was a question about building on the stone and getting sewer and water access up there. Where we are proposing to put the building sits adjacent to sewer and electric line and it goes to the existing carriage house and another reason to keep cost down. In addition, that wooded area is integral to their curriculum and the kids spend a lot of time playing out there.

Mr. Casella: Why couldn't you do something near the existing 2-story school?

Mr. Berg: You mean adding onto it? We looked at expanding the school slightly and because the kids spend so much time outside, the lower playground is for their kindergarten and pre-K. The older kids use the upper playground and they share the field. It made sense to keep the library and art studio as a separate building and the children I used to going to the library now. All of this is currently housed in the carriage house. What happened is the older kids were crossing path with the younger kids and it wasn't always the optimum situation.

Mr. Johnston: According to your plan, are you going to integrate the amphitheater with the library also?

Mr. Berg: The idea was to actually make it a part of the stage set and part of the seating arrangements and wrap this building around.

Mr. Prager: You mentioned older and younger children, what are their ages?

Ms. Tomkins: They are 3 to 11 years of age, kindergarten through 5th grade.

Mr. Prager: Okay, again we will do a site inspection on Saturday morning.

Mr. Berg: Is it okay if it's an informal stick out?

Mr. Prager: Yes, especially on the side where the 51 feet is along the property line. It will be sometime after 9:00 am when we get there because we have a lot of places to visit that morning. Also the Public Hearing will be on Thursday, August 6, 2015.

Mr. Berg: Will you need someone at the school?

Mr. Prager: Generally we don't but in this case, I would like to have someone there in case there's a problem.

Mr. Berg: Okay. Thanks very much.

Mr. Horan: Yesterday I received from counsel retained by the insurance carrier, the appellate briefs in the matter of Kellner and the Town of Wappinger ZBA. I have not read them but I will forward them to you. I believe I told you that the original action that Kellner brought was dismissed so it's now up on appeal. I have not seen the appellate briefs so I don't know exactly what's in there.

Mr. Johnston: I make a motion to adjourn this meeting.
Mr. Casella: Second the motion.
Mr. Prager: All in Favor – Aye

Respectfully Submitted,

Adjourned: 7:55 pm

Bea Ogunti
Secretary

Zoning Board of Appeals