

MINUTES

**Town of Wappinger
Zoning Board of Appeals
August 6, 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
Mr. Galotti	Member	Present

Others Present:

Mrs. Barbara Roberti	Zoning Administrator
Mrs. B. Ogunti	Secretary

SUMMARY

Public Hearing:

Anthony Burger	-Granted Variance
Rene & Rita Foucaud	-Denied Variance
Lawrence Pariseau	-Granted Variance
Randolph School	-Adjourned Public Hearing to September 22, 2015

Discussion:

Terry & Carol Glass	-Public Hearing on August 25, 2015
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Mr. Galotti: **Motion to approve the minutes for July 14, 2015.**
Mr. Casella: Second the motion.
Vote: All present voted aye.

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 a **10 x 18 feet** 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: 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 state your name and address for the record.

Mr. Burger: Good evening, I'm Anthony Burger and I live at 63 Osborne Hill Road.

Mr. Prager: Again, we did have a discussion earlier and did a site inspection but for the record there might be some people in the audience that might be interested in what you are doing and why you are doing it.

Mr. Burger: I'm adding a 10 x 18 feet shed and thanks to you gentlemen for instructing me to build it a little bigger. It is for storing my car, automotive parts and tools when they are not in use. As you saw, it is a tight space in there right now with my two cars and my house is not attached to the garage. Moving the delicate sheet metal panels, could damage them so I figure I could store them safely in that area. That's why I am asking for the variance.

Mr. Prager: Are there any questions from the board before I ask the audience?

Mr. Galotti: I noticed on the agenda it is shows 10' x 18'. It should say 10 x 18 feet.

Mr. Prager: Anybody in the audience have any questions? Let the record show there's no one 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. Galotti: **Motion to grant this applicant the variance. I don't believe it can be achieved by any other feasible means and it does not create an undesirable effect to the neighborhood. I don't believe the request is substantial and it will have no adverse effects to the environment.**

Mr. Casella: Second the motion.
Roll call: Mr. Prager – Aye.
Mr. Johnston – Aye.
Mr. Casella – Aye.
Mr. Galotti – Aye.

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: Are the mailings in order?

Mrs. Ogunti: Yes, they are.

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

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

Mr. Prager: Please state your name for the record.

Mr. Berta: Good evening, I'm Michael Berta and I represent the Foucauds.

Mr. Prager: We did do a site inspection and we did not see anyone there at the time so we do have some questions for you. Again, please state why you are here.

Mr. Berta: Mr. Foucaud's house has electric heat and for years he's put this wood pile in the front yard covered by a blue tarp. With the recent snow storms, he got tired of shoveling off the tarp every time he needed wood so he decided to put a small structure up. All he was doing was replacing the blue tarp for a solid structure and didn't give it any thought. That's where we are right now. He painted the shed a dark brown color so it blends in with the trees around it and it also blends in with the house as well. He put it in a spot that was convenient for the delivery and for him when he needed to get wood.

Mr. Johnston: How much property does he have?

Mr. Berta: It's a little over an acre, I believe.

Mr. Johnston: Is there any other area where he could have put it?

- Mr. Berta: He has more property behind the house than he does in the front but it's convenient.
- Mr. Galotti: I don't think that was the most inconspicuous spot.
- Mr. Berta: He had a blue tarp there for years and he thought this was more appealing for the neighbors as well as convenient for him. The driveway is there, the woodstove is there and everything comes right to the garage.
- Mr. Johnston: Do you know the distance from the shed to where the house is?
- Mr. Berta: About 50-60 feet.
- Mr. Prager: I was looking at the turnaround at the end of the driveway and there's nowhere to put the shed. Are there any other questions from anyone on the board?
- Mr. Casella: Could he move the shed to the back of the house?
- Mr. Berta: It's really inconvenient for him to get the wood in the house and also for delivery. The way the house is situated, there's no way to get a delivery truck around there.
- Mr. Casella: But the driveway and shed are in the front, can the truck just drive along it?
- Mr. Berta: There's a septic tank there so you would have to drive over it to get there.
- Mr. Prager: Mrs. Roberti, do we have a permit for the shed?
- Mrs. Roberti: The shed in the rear or the shed in the front? The shed in the front was denied, they opened it and it was denied pending a variance. There is a shed in the rear and it does have a CO.
- Mr. Berta: That shed is getting to a point where it needs to be repaired or replaced. It's starting to rot on the bottom.
- Mrs. Roberti: We did look up the history and there's definitely a CO and we made a copy and it's in the file for the record.
- Mr. Berta: They have a survey from the original owner showing the shed on there.
- Mr. Prager: Anybody in the audience would like to speak for or against this variance? Let the record show there's no one to speak for or against this variance.

Mr. Johnston: **Motion to close the Public Hearing.**

Mr. Galotti: Second the motion.

Vote: All present voted aye.

Mr. Johnston: **Motion to deny the variance. I believe it can be achieved through other means. I do believe that it is an inconvenient and undesirable location in the front of the house.**

Mr. Galotti: Second the motion.

Roll call:
Mr. Prager – Nay
Mr. Johnston – Nay
Mr. Casella – Nay
Mr. Galotti – Nay

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: Are the mailings in order?

Mrs. Ogunti: Yes, they are.

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

Mr. Galotti: Second the motion.

Vote: All present voted aye.

Mr. Prager: Good evening.

Mr. Pariseau: Good evening. I'm Larry Pariseau and I live at 146 Diddell Road. We are seeking a variance for two decks. One is for an existing deck and the other would be for the distance needed on the side. We recently purchased both properties known as Ohana Farms under the Agricultural District. Where we are requesting the variance for the proposed deck is a contiguous piece of property and it really shouldn't affect anybody else. When we purchased the property it was in arrears for taxes and they will be paid off this week. You've seen the property, it is in disarray and we have started doing the driveway and some cosmetic repairs. When we purchased the property, there were 7-8 violations and we are trying to do whatever we can to straighten things out. The existing deck has been there since 1982 and we are looking to get a CO, new railings and to make it look better.

Mr. Prager: Anyone on the board have any questions?

- Mr. Galotti: I understand you are going to do some reconstructing of the deck in the back?
- Mr. Pariseau: Yes. The footings are phone poles and the engineer said they are fine but in my opinion, they are within 40 feet of the well and I would like to move them. The decking is old and it's been there since 1980 and the railing is unacceptable for children.
- Mr. Galotti: I think that would be a great idea.
- Mr. Casella: There are telephone poles all over the deck that should be removed.
- Mr. Prager: Anybody in the audience would like to speak for or against this variance? Let the record show there's no one to speak for or against this variance.
- Mr. Casella: Motion to close the Public Hearing.**
- Mr. Galotti: Second the motion.
- Vote: All present voted aye.
- Mr. Galotti: Motion to grant the applicant this variance. I believe the benefit cannot be achieved by any other feasible means. It is not creating an undesirable effect to the neighborhood and the request is not substantial and there will be no adverse effects to the environment as well.**
- Mr. Johnston: Second the motion.
- Vote: All present voted aye.

Appeal No. 15-7562 (Variance)

Randolph School: Seeking the following four (4) area variances pursuant to Section 240-58 (C) and 240-37 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.

-Where **50 feet** to the side yard is required pursuant to Section 240-58 (C), the applicant can provide **11' 5"** to the side yard for a **12 x 24 sf.** existing shed, thus requesting a variance of **38' 7" sf.**

-Where **100 feet** to the rear yard is required pursuant to Section 240-58 (C), the applicant can provide **42' 8"** to the rear yard for an existing **12 x 24 sf.** shed, thus requesting a variance of **57' 4"**.

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

(THERE ARE DISCREPENCIES IN THE NUMBERS AND WE ARE AWAITING SURVEY FOR ACCURATE NUMBERS)

Present: Chris Berg – Architect
Ben Miles – Director
Karen Teich – Admissions Coordinator

Mr. Prager: Are the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Johnston: Motion to open the Public Hearing.

Mr. Galotti: Second the motion.

Vote: All present voted aye.

Mr. Prager: Good evening. Please state your name for the record.

Mr. Berg: My name is Chris Berg and I'm the architect for the applicants. This is the first step of our application process. We are here this evening for the area variance and it's specific to Randolph School being a school within a residential district and setbacks required are increased twice for the school. The reason for the variance is for a lack of space and the natural features of the property restrict us from placing the building where we need to. We are building an art and library building of approximately 2,000 sf. for a student body of kindergarten through 5th grade and possible increasing from 63 to 80. The location of the shed, library and studio buildings are in the rear of the property adjacent to a river valley that abuts a single residential property area.

Mr. Johnston: Do you know how long the shed has been there?

Ms. Teich: My name is Karen Teich. The shed has been there awhile.

Mr. Prager: I noticed on the appeal and agenda it says that you are requesting 38' 7" sf. for the side and on the drawing it says 38' 6" sf. Is there a reason why it's different there?

Mr. Berg: This measurement on the map is what it currently is.

Mr. Prager: Okay, that one is correct. So you are putting the amount you are requesting and not the actual size.

Mr. Berg: The drawing shows where the 38' 7" sf. is.

Mr. Prager: That agenda shows the applicant can provide 11' 5" to the side.

Mrs. Roberti: It should be the other way around.

Mr. Prager: It really should be changed since it does not correspond with what we have here.

Discussion continues.

- Mr. Berg: We are in the process of getting a survey.
- Mr. Prager: When do you plan on getting the survey?
- Mr. Berg: We are planning on getting that within the next month.
- Mr. Prager: I would like to see the right dimensions before we grant or deny it.
- Mr. Galotti: I agree and if we move forward with the larger dimension and they do a survey and it is yet larger, is that a problem?
- Mrs. Roberti: Yes, they will have to come back and start from scratch. When do you go back to the Planning Board?
- Mr. Berg: When we get this variance process over.
- Mrs. Roberti: You are still in the discussion phase.
- Mr. Berg: We are in the process with getting the survey done and our engineer is responding to the comments.
- Mrs. Roberti: My suggestion would be to adjourn this to the second meeting in September and that's not going to hold you up with the Planning Board. By then hopefully you will have the survey this way if they choose to grant, they will be granting what you need.
- Mr. Prager: Let's do it on September 22, 2015 because you don't want to come back and spend more money.
- Mr. Miles: In the meantime, do we need to do anything to switch those numbers around?
- Mr. Prager: The shed is okay it's the other ones you need to fix.
- Ms. Teich: Do you want to know exactly how long the shed has been there when we come back?
- Mr. Prager: It would be nice but definitely make sure those dimensions from where the shed is to your property line, to the rear and on the side is correct.
- Mr. Miles: Do we have to inform the neighbors and put an ad in the paper again?
- Mrs. Roberti: If you are real close and you need less, but let's see what the survey shows since nobody came to the Public Hearing.
- Mr. Casella:** **Motion to adjourn the Public Hearing to September 22, 2015.**
Mr. Johnston: Second the motion.
Vote: All present voted aye

Appeal No. 15-7564 (Variance)

Terry & Carol Glass: Seeking an area variance Section 240-37 of District Regulations in an R-40 Zoning District.

-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 780 square feet**, thus requesting a **variance of 180 square feet.**

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **25 feet** for the construction of a **26" x 30"** detached garage, thus requesting a variance of **25 feet.**

-Where **25 feet** to the right side yard property line is required, the applicant can only provide **15 feet** for the construction of a **26" x 30"** detached garage, thus requesting a variance of **10 feet.** The property is located at **3 Montfort Road** and is identified as **Tax Grid No. 6358-01-158534** in the Town of Wappinger.

Mr. Prager: Good evening. What we do at a discussion is basically get the information we need from you and do a site inspection and get a feel for the property as you can see from tonight. So tell us a little bit of what you need and why you need it.

Mr. Glass: I'm Terry Glass and this is my wife, Carol. Our entire front yard is septic and we cannot do anything there. We want to attach the garage at the end of the driveway.

Mrs. Glass: We also want to maintain the backyard.

Mr. Glass: We do not have much of a backyard. We have a little over a half acre and we have very little room in the back. We do not have a garage at the house so I had all of my things at my mother-in-law's house but she has since passed away and we had to sell her house.

Mr. Prager: So is that shed going to be removed?

Mr. Glass: Yes, the shed is going to be removed.

Mr. Prager: Anybody on the board has any questions?

Mr. Johnston: Is there any way of putting it closer to the house?

Mr. Glass: If we did, we would lose access to the backyard and have trees taken down and the oil filler is in the back of the house on the other side of the deck. The oil tank is in the cellar and they would have to pull the hose in the back of the house.

Mr. Prager: So you are basically putting the garage next to your driveway?

- Mr. Glass: Yes, it's going to be right at the edge of the driveway.
- Mr. Johnston: How much space do you have between the house and the proposed garage?
- Mr. Glass: About 30 feet.
- Mr. Prager: You mean putting it a little closer to the house?
- Mrs. Glass: We don't want to do that because we will be losing more room in the backyard.
- Mr. Glass: We also have a little bit of water problem on the other side so we don't use that much for anything.
- Mr. Prager: We will schedule a site inspection for Saturday, August 8th around 9:00 am. If you could mark your property line where the 15 feet is would be great.
- Mr. Glass: My neighbor put a line right down the center so you will be able to see the mark. There's also a stick in the ground on the corner.
- Mrs. Roberti: You could put some color ribbons where the stick is so they can see where it is.
- Mr. Prager: Again, we will do a site inspection on Saturday, August 8th and schedule the Public Hearing for August 25, 2015.
- Mr. Glass: Thank you.

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

Respectfully Submitted,

Adjourned: 7:45 pm

Bea Ogunti
Secretary
Zoning Board of Appeals

