

MINUTES

**Town of Wappinger
Zoning Board of Appeals
March 22, 2016
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. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Donald Ross	Variance Granted
RADD Automotive	Variance Granted

Discussion:

Linda Delvescovi	No show
Joe Vasillo	Public Hearing on April 12, 2016

Mr. Casella: Motion to approve the Minutes for the March 8, 2016.
Mr. Johnston: Second the Motion.
Vote: All present voted Aye

Public Hearing:

Appeal No. 16-7574 Variance

Donald Ross: Seeking an area variance Section 240-37 of District Regulations in an R-20 Zoning District.

-Where **20 feet** to the side yard property line is required, the applicant can only provide **13 feet** for the addition of a **12' x 16'** living room, thus requesting a variance of **7 feet**.
The property is located at **50 Top O Hill Road** and is identified as **Tax Grid No. 6359-03-004014** in the Town of Wappinger.

Mr. Prager: Are all of the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Johnston: Motion to open the Public Hearing.
Mr. Casella: Second the Motion.
Vote: All present voted Aye.

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

Mr. Ross: My name is Donald Ross.

Mr. Prager: We did a site inspection and a meeting with you about a week ago but for the record, please tell us what you need and why you need it.

Mr. Ross: We are looking to make the living room bigger so we are proposing an addition of 12' x 16' in the front. That part of the house is too close so we are requesting a 7 feet variance.

Mr. Galotti: Will the addition be aligned with the house?

Mr. Ross: Yes, it will be aligned with the house.

Mr. Johnston: Is it going to be the same material as the house?

Mr. Ross: As a matter of fact, the contractor is going to put new siding all around the front to match.

Mr. Casella: **Motion to close the Public Hearing.**
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Mr. Galotti: **Motion to grant the applicant the variance and I don't believe the benefit can be achieved by any other means. It will not create any undesirable effects to the neighborhood and I don't believe the request is substantial in nature. It won't have any adverse or physical effect to the environment.**
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Appeal No. 16-7575 (Variance)

RADD Automotive: Seeking an area variance Section 240-16C (1)(d) of District Regulations in an R-20 Zoning District.

-Where **40 feet** to the side yard property line is required, the applicant can only provide **35 feet** for the construction of a **40' x 50'** storage building, thus requesting a variance of **5 feet**.

The property is located at **1441 Route 376** and is identified as **Tax Grid No. 6259-04-840023** in the Town of Wappinger.

Present: Alfred Cappelli – Architect

Mr. Prager: Are all of the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Galotti: **Motion to open the Public Hearing.**
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Mr. Prager: Hi there, please come up.

Mr. Cappelli: Alfred Cappelli, Architect representing RADD Automotive. We are here seeking a 5 feet side yard variance allowing us to be within 35 feet of the side yard where 40 feet is required. The foundation was put in the incorrect place and we would like to keep the foundation in place. Subsequent to our meeting we submitted to Barbara a letter from the neighbor on that side that said he has no problems.

Mr. Casella: You said the building is going to be used for storage? What are you going to do with all the stuff on the property?

Mr. Cappelli: The cars are allowed to be on the property and we quantified how many cars in disrepair are allowed behind the fence line. There will

be no outside containers, no parts outside and everything is out in the yard with the exception of the 25 cars that were allowed will be in the storage building.

Mr. Casella: So all of the scraps that are on the property right now are going to be removed by the time that building goes up, correct?

Mr. Cappelli: Barbara and I had a walk on the property to discuss what's going to be gone and not gone. I'm sure if you made a random visit on a busy day there will be a couple of tires outside ready to be recycled.

Mrs. Roberti: He will get a CO for that building when it's done and he is going to come back for a building permit for the addition. The addition will not get a CO from this office and be able to operate until that yard is cleaned and all those trailers are gone. Al and I talked and the deal was to put a building behind there to get rid of all of the stuff.

Mr. Casella: When we took the walk back there on Saturday, there were a lot of scraps in the back.

Mrs. Roberti: I'm sure he is going to throw a lot of that out.

Mr. Casella: There were a lot of things in the back that I thought could have been cleaned up.

Mr. Cappelli: There's not supposed to be anything behind the fence.

Mr. Casella: No, I'm talking about right against the fence.

Mr. Prager: That's junk.

Mr. Casella: Is that going to remain there or is he going to clean that?

Mr. Cappelli: My guess is he's going to clean it up since there's no benefit for him to keep old rusty cars around. Every now and then he accumulates some of these junkers and someone comes and pick up 3 or 4 cars to bring to the crusher.

Mr. Casella: I just want to see the property cleaned up.

Mr. Cappelli: I took some of the neighbors one Saturday on a tour of the site and they didn't even know we had so many containers because you really cannot see it from the back.

Mr. Prager: How many are allowed outside?

Mr. Cappelli: He's allowed 25 cars at any given time.

Mr. Prager: It seemed like a lot of cars.

Mrs. Roberti: There was a time when there used to be over 100 cars back there.

Mr. Johnston: So the only reason you are before the board is because they poured the foundation in the wrong space?

Mr. Cappelli: Correct. The foundation contractor misread the offset stakes thinking that was where he adds the distance to the property line.

Mr. Galotti: Who was the concrete contractor?

Mr. Cappelli: Red Hats Contractor.

Mr. Johnston: I assumed that contractors had plans when they poured the foundation.

Mr. Cappelli: Yes, he did have the foundation plan from another architect. He also had the pre-engineering building plans from the engineer representing the pre-engineering company.

Mr. Johnston: So you are asking us to allow his error?

Mr. Cappelli: That's correct and if not, we will have to dig up the foundation and rebuild it.

Mr. Casella: Bea, we did get a letter from the neighbor who has a lot of scrap on this property. Did anybody else have any problems? The last time we had one of the neighbors complain about trees, any other comments from anybody else?

Mrs. Ogunti: No, not this time.

Mr. Galotti: Motion to close the Public Hearing.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Casella: Motion to grant the variance. The benefit cannot really be achieved by any other means. I am not going to penalize the guy for 5 feet and it's such a small area. It does not create an undesirable change to the neighborhood. It does not have any

physical or environmental effects and even though it is self-created, it's simple therefore, I grant the variance.

Mr. Galotti: Second the Motion.
 Roll Call Vote: Mr. Casella YES
 Mr. Galotti YES
 Mr. Johnston NO
 Mr. Prager YES

Discussion:

Appeal No. 16-7576 (Variance)

Linda Delvescovi: Seeking an area variance Section 240-37 and 240-53B(4) of District Regulations in an R-40 Zoning District.

-Where the maximum size of an accessory apartment shall be subordinate in area to the principal dwelling and shall not exceed **35%** of the gross floor area of said principal dwelling and in no event exceed **1,000 square feet** of gross floor area, the applicant can provide **40%**, thus requesting a **5%** variance for an accessory apartment.

-Where the maximum size of an accessory apartment shall be subordinate in area to the principal dwelling and shall not exceed **35%** of the gross floor area of said principal dwelling and in no event exceed **1,000 square feet** of gross floor area, the applicant can provide **1,600 square feet**, thus requesting a variance of **600 square feet** for an accessory apartment.

The property is located at **382 Old Hopewell Road** and is identified as **Tax Grid No. 6257-04-569339** in the Town of Wappinger.

APPLICANT WAS A NO SHOW

Appeal No. 16-7577 Variance

Joe Vasillo: Seeking an area variance Section 240-37 of District Regulations in an R-20 Zoning District.

-Where **20 feet** to the side yard property line is required, the applicant can only provide **15 feet** for the addition of a **12' x 23' addition and a 6' X 23' deck**, thus requesting a variance of **5 feet**.

The property is located at **7 Wendy Road** and is identified as **Tax Grid No. 6258-01-022717** in the Town of Wappinger.

Mr. Prager: Mr. Vasillo, what we basically do here is review your application and if there's anything we need from you, we will ask you to bring it to the Public Hearing. So please tell us why you need this.

Mr. Vasillo: I am selling the house and when I bought the house, the porch and everything existed with a CO in 1996. So it's been there since I

bought the house and now I find out that it does not have the proper distance.

Mr. Prager: Do you have an actual plot plan for your house other than what I have here?

Mr. Vasillo: You mean a survey?

Mr. Prager: Yes.

Mr. Vasillo: No, I don't have any survey.

Mr. Johnston: Even from 1996 when you purchased the house?

Mr. Vasillo: No, I didn't get one then either.

Mr. Prager: We will do a site inspection on Saturday, April 4th around 9:00 am.

Mr. Vasillo: Nobody is living there now so you guys can go there anytime you want.

Mr. Prager: In the meantime, if you could put a marker where your property lines is.

Mr. Vasillo: Okay. I will put a marking paint on it.

Mrs. Roberti: Just for the record, there's a CO dated September 10, 1965 and on the building permit application from the builder, he said in the rear was 30 feet and each side had 15 feet with a little plot. We are basing it on that for a lack of survey.

Mr. Casella: He should go back to the mortgage company. They should have a copy of the survey.

Mrs. Roberti: Not necessarily. A lot of banks don't require survey, sadly.

Mr. Vasillo: When I refinanced, I tried calling a lot of places and I looked everywhere and could not find a survey.

Mr. Casella: When you refinance, they ask you for a survey.

Mr. Vasillo: That's the paper you have in your hands of the house was what I got when I refinanced.

Mr. Galotti: I'm reading this application and it says 12' x 23' addition and a deck and they both exist.

Mr. Vasillo: The porch was done in 1996 before I purchased the house. The deck was done when I got the original CO for the other deck on the other side and that was in 2002.

Mr. Galotti: So they both existed.

Mr. Prager: Did you make the sketch on this plot plan? Is that yours and pretty much where it is.

Mr. Vasillo: Yes, it is.

Mr. Prager: So it is basically going to be even with the house.

Mr. Johnston: It is 15 feet from the house.

Mr. Prager: Again, we will do a site inspection on Saturday, April 4th at 9:00 am. I would like to schedule the Public Hearing for April 12th.

Mr. Vasillo: Thank you.

Mr. Galotti: Motion to adjourn.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 7:26 pm

Bea Ogunti
Secretary
Zoning Board of Appeals