

MINUTES

**Town of Wappinger
Zoning Board of Appeals
April 12, 2016
Time: 7:00PM**

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

Summarized Minutes

Members:

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

Others Present:

Ms. Valk	Conflict Attorney for Town
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Adjourned Public Hearing:

Stewart's Shops Corp. #325	Adjourned to May 24, 2016
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Public Hearing:

Joseph Vasillo	Variance Granted
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Discussion:

Linda Delvescovi	Public Hearing on April 26, 2016
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Michael Valentino	Public Hearing on April 26, 2016
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Walter & Maureen Addiss	Public Hearing on April 26, 2016
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Gertrude & Joseph Minotti	Public Hearing on April 26, 2016
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Mr. Casella: Motion to approve the Minutes for the March 22, 2016 meeting.
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Adjourned Public Hearing:

Appeal No. 15-7544: (Variance)

Stewart's Shops Corp. #325: Seeking an area Variance of Section 240-52(A) & 240-52(E) of District Regulations in a 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. Johnston: Motion to open the Public Hearing.
Mr. Casella: Second the Motion.
Vote: All present voted Aye.

Mr. Casella: Motion to adjourn the Public Hearing to May 24, 2016.
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

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: Are all of 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: Hi there. Please come up and state your name for the record.

Mr. Vasillo: Joe Vasillo.

Mr. Prager: We had a discussion a few weeks ago and a site inspection. For the record, please explain exactly what you need and why you need it.

Mr. Vasillo: The porch was built in 1996 and it had a CO when I bought the house but it didn't comply with the plans that were drawn. So they made me pull a new permit and found that I only had 15 feet from the property line. That's why I'm here for a 5 feet variance.

Mr. Prager: If I remember correctly, at the site inspection, I believe it's no closer to the property line than the house.

Mr. Vasillo: Correct.

Mr. Prager: While we were at the site inspection, we noticed a shed in the back at the property line.

Mr. Vasillo: It was there when I purchased the house.

Mr. Prager: Barbara, do you know whether there is any type of variance on the shed?

Mrs. Roberti: I didn't check. Do you know how big the shed is?

Mr. Vasillo: I think it is 10' x 10'.

Mrs. Roberti: No electric? If it is 10' x 10', he only needs 6 feet to the side.

Mr. Casella: It was right on the property line.

Mrs. Roberti: I will check that in the morning. I will also check to see if there's not a shed amnesty on it.

Mr. Prager: Okay, we can go ahead with this and if it is legal that's fine and if it's not, would you be interested in removing that shed?

Mr. Vasillo: Okay, I will do what I have to do.

Mr. Galotti: So everything there has existed for quite some time?

Mr. Vasillo: Yes, I bought the house in 1996 and the porch was there I did the deck in 2002 and was given a CO so I haven't altered or changed anything.

Mr. Prager: Anyone in the audience would like to speak?

Mr. Tokash: Andrew Tokash, 9 Wendy Road. We weren't sure reading from the notice whether you are building something or this is the existing?

Mr. Vasillo: That's the existing.

Mr. Tokash: Okay, if you are not building anything, we are fine with it. Thank you.

Mr. Prager: Anybody else would like to speak for or against this variance?

Mr. Galotti: Motion to Close the Public Hearing.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Casella: Motion to grant the applicant the variance, whether the benefit can be achieved by any feasible means is really not an undesirable change because the structure exists today. There is no change there and it is not substantial and conforms to the property. It's self-created but it's been in existence for a while. If the shed in the back does not conform to current stature and whether it's grandfathered or close to the property line and as part of the approval, the shed must come down.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

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.

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

Mr. Delvescovi: Michael Delvescovi.

Mr. Prager: Tell us what you need and why you are here.

Mr. Delvescovi: This was an unfinished area in the house and I would like to make an apartment for my daughter.

Mr. Prager: So this is now part of the house?

Mr. Delvescovi: It has always been a part of the house. These two rooms were unfinished over the garage so I'm just finishing them up.

Mr. Galotti: The whole structure exists?

Mr. Delvescovi: Yes.

Mr. Johnston: How long has it been there?

Mr. Delvescovi: We moved in around September of 2013 or 2014.

Mr. Prager: Why do you need this?

Mr. Delvescovi: So my daughter, her boyfriend and their new baby have somewhere to live. She lived in the building in Wappingers that collapsed and they lost everything.

Mr. Prager: How much property do you own?

Mr. Delvescovi: The front lot is 3.3 acres.

Mr. Travis: Just make sure the downstairs will be living room and kitchen and upstairs will be the bedroom, closet and bathroom. The garage will remain with the door the way it is now?

Mr. Delvescovi: Exactly. Nothing is going to change on the exterior.

Mr. Johnston: So it's not going to be a garage anymore?

Mr. Delvescovi: No, it will still be a garage.

- Mr. Travis: Does the second floor have a gable roof on it?
- Mr. Delvescovi: It's flat ceiling. It comes down on the side with dormers.
- Mr. Prager: We will set a site inspection for Saturday, April 16th at 9:00am and a Public Hearing on April 26th.
- Mr. Travis: If I'm not around on Saturday, can I stop by another day?
- Mr. Delvescovi: You can stop by anytime.
- Mr. Travis: Thank you.

Appeal No. 16-7578 (Variance)

Michael Valentino: Seeking an area variance Section 240.30 of District Regulations in an R-40 Zoning District.

-Where **no more than two accessory buildings shall be permitted in any 1-Family Residence District. No such accessory building shall have a footprint greater than 600 square feet nor a height in excess of 20 feet. The applicant is proposing the construction of a 40' x 40' – 22 high peak metal roof, metal garage for storage of jetski, snowmobiles, wood pellets & classic car,** thus requesting a **variance of 2 feet.**

-Where **no more than two accessory buildings shall be permitted in any 1-Family Residence District. No such accessory building shall have a footprint greater than 600 square feet nor a height in excess of 20 feet. The applicant can provide 1,600 square feet for the construction of a 40' x 40' – 22 high peak metal roof, metal garage for storage of jetski, snowmobiles, wood pellets & classic car,** thus requesting a **variance of 1,000 square feet.**

The property is located at **14 Gold Road** and is identified as **Tax Grid No. 6258-04-834486** in the Town of Wappinger.

- Mr. Prager: Come on up and state your name for the record.
- Mr. Valentino: Michael Valentino.
- Mr. Prager: Please explain what you need and why you need it.
- Mr. Valentino: I have a very power-oriented family. We have quads, jet skis, couple of trailers and pickup trucks. If your house was built in the 1970s, your pickup truck does not fit in the garage. With the classic cars my son and I have been building, I will install a lift so that's why I need the room. I did print up a rendition of what the outside will look like. There's a structure there now and it's 18' x 26' that will be torn down after this is built.

Mr. Travis: This new building, is it going to be where that yellow trailer is?

Mr. Valentino: Yes.

Mr. Johnston: How far is the proposed garage is from the house?

Mr. Valentino: I gave all my copies to Barbara and never made a copy for myself. The existing one has to be at least 30 feet.

Mr. Johnston: That's the existing. What's the one you are proposing?

Mr. Valentino: You have the 26 feet and back another 10 feet to the start of it, probably 20 feet behind the back of the new one .

Mr. Johnston: So about 70 feet from the house to where the garage is.

Mr. Valentino: Yes.

Mr. Johnston: Is there a driveway there?

Mr. Valentino: Yes.

Mr. Johnston: It goes back that far?

Mr. Valentino: Yes, I have a dirt driveway.

Mr. Casella: Are you proposing putting a lift in there? Do you plan on doing any repair work other than your stuff?

Mr. Valentino: No, just my personal stuff.

Mr. Johnston: Are you going to have a second floor?

Mr. Valentino: No. The building is a prefab metal structure.

Mr. Johnston: Is it only going to have one garage door?

Mr. Valentino: One garage door and a side entrance.

Mr. Casella: Mike, what's in the existing structure?

Mr. Valentino: It's our Christmas decorations, wood tools and stuff like that.

Mr. Travis: So the snowmobile trailer you have outside is going to go inside?

Mr. Valentino: Yes, in the winter time.

- Mr. Prager: Do you have a picture of the materials you are going to use for outside?
- Mr. Valentino: I can print it up.
- Mr. Johnston: The septic field behind your house, is it going to interfere?
- Mr. Valentino: No. It is nowhere near there. My septic comes out about 20 feet away from the house and then the fields.
- Mr. Travis: Are you paving the driveway?
- Mr. Valentino: No. It is going to stay graveled. Eventually, we will plant grass.
- Mr. Galotti: What abuts your rear property line?
- Mr. Valentino: The people that live there put a drainage gully and the sides are heavily wooded.
- Mr. Casella: How much property do you have?
- Mr. Valentino: I have 1.39 acres.
- Mr. Travis: Behind you is Brothers Road. Are those houses behind you their backyard?
- Mr. Valentino: My backyard is Brothers Road.
- Mr. Prager: We will schedule a site inspection for this Saturday, April 16th around 9:15am. Mark off the backyard as well. We will also schedule a Public Hearing on April 26th.
- Mr. Valentino: There's a fence and that drainage gully at the property line.
- Mr. Travis: I may be out of town on Saturday so you won't mind me stopping by one evening during the day.
- Mr. Valentino: No problem. You can stop by anytime.

Appeal No. 16-7579 (Variance)

Walter & Maureen Addiss: Seeking an area variance Section 240-37 & 240-30(b) of District Regulations in an R-40 Zoning District.

-Where no more than two accessory buildings shall be permitted in any 1-Family Residence District. No such accessory building shall have a footprint greater than

600 square feet nor a height in excess of 20 feet. The applicant can provide 624 square feet for a 24' x 26' for a 2-car garage, thus requesting a **variance of 24 square feet.**

-Where **25 feet** to the right side yard property line is required, the applicant can only provide **6' 8" feet** for the construction of a 2-car garage (unfinished) with storage area above, thus requesting a variance of **18' 2" feet.**

The property is located at **134 Old Hopewell Road** and is identified as **Tax Grid No. 6157-01-292559** in the Town of Wappinger.

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

Ms. Niemier: Lisa Niemier, My Way Home Improvements.

Mr. Prager: Please tell us what you need and why you need it.

Ms. Niemier: I'm looking to do a storage garage and I have a picture of it here.

Mr. Casella: Why don't you attach it to the house? It's a 6 feet gap between the house and garage.

Ms. Niemier: They didn't want to. They wanted it to be separate. It's going to have storage on top and they just didn't want to do it that way.

Mr. Johnston: Is there a reason for the storage above the garage?

Ms. Niemier: For their personal use. Things they don't use on a daily basis such as decorations.

Mr. Johnston: Does the house already have a garage?

Ms. Niemier: No.

Mr. Prager: So only for storage above the garage?

Ms. Niemier: Yes.

Mr. Prager: How many vehicles?

Ms. Niemier: They have two cars.

Mr. Prager: I'm assuming you don't live there?

Ms. Niemier: I don't. I'm the contractor.

Mr. Galotti: The building materials you are going to you, is it going to match the house?

- Ms. Niemier: Yes. It will be the same as if it was part of the original house.
- Mr. Johnston: Is there a reason it has to be a two car garage?
- Ms. Niemier: They have two cars.
- MR. Prager: Is there a time you might be speaking with the owners?
- Ms. Niemier: If you are going to do a site inspection then I have to let them know because I would rather them there.
- Mr. Prager: Yes. There are a few questions we would like to ask the owners and especially for the Public Hearing they would need to be here.
- Ms. Niemier: Sure. I will let them know.
- Mr. Prager: We will schedule a site inspection on Saturday, April 16th around 9:30am and a Public Hearing on April 26th.
- Mr. Travis: Is there a stamped survey of the property?
- Mrs. Roberti: It's in the very back of your package.
- Mr. Travis: The other 2 feet that you needed was it by design consideration because of the stairway in the back?
- Ms. Niemier: It was their design.
- Mr. Prager: You are the builder?
- Ms. Niemier: Yes.
- Mrs. Roberti: How many feet will it be separated from the house?
- Ms. Niemier: About 6 feet.
- Mrs. Roberti: The way it's been placed on the survey, it's to the side of the house. When you go out, could you just verify that it's not forward then the house?
- Ms. Niemier: It's not going to be out. It's going to be flushed and even with the house.
- Mrs. Roberti: The house is on an angle so let them look at it when they go out.

Mr. Johnston: Could you make sure they mark the area.

Ms. Niemier: They will do the best that they can.

Mr. Prager: We will do the best that we can as well.

Appeal No. 16-7580 (Variance)

Gertrude & Joseph Minotti: Seeking an area variance Section 240-37 of District Regulations in an R-20 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 pool and deck to remain in the front yard.

The property is located at **19 Cady Lane** and is identified as **Tax Grid No. 6258-03-499100** in the Town of Wappinger.

Mr. Prager: Come on up and state your name for the record.

Ms. Minotti: Gertrude and Joseph Minotti.

Mr. Prager: So what's going on with the house? Are you selling it and is that why you need this?

Ms. Minotti: Yes.

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

Ms. Minotti: The pool has been there for 45 years.

Mr. Casella: It's still standing?

Ms. Minotti: Yes, because I take care of it and we've only had two liners replaced in all those years.

Mr. Johnston: How long has the garage been there?

Ms. Minotti: I've lived in the house since I was 9 years old and I'm 72 years old. This was grandfathered to me. My father built the house. Howie knows my dad.

Mrs. Roberti: For the record, the garage has a CO.

Mr. Prager: We will schedule a site inspection for Saturday, April 16th around 10:00am and a Public Hearing for April 26th.

- Mrs. Roberti: Just for the record, the shed also did not have a permit and it is being put on this to legalize the shed. It's on the other side of the yard. It does need a variance and to legalize everything at ones.
- Mr. Prager: Let's make sure it's on something.
- Mrs. Roberti: It's on their permit so when this is done, it will become part of the permit when it's issued and the CO.
- Mr. Prager: We will mention that when we do the Public Hearing.
- Mr. Johnston: Barbara, does the deck also require a CO?
- Mrs. Roberti: Yes, the deck around the pool does. There were no permits for it and now they are selling the house and needed to legalize it and according to the survey it's in the front yard. If they were to be granted this variance, then it would move on to a building permit. I believe Susan Dao, one of our building inspectors will visit the site to let them know to bring it up to code.
- Mr. Minotti: She has visited the site already.
- Mrs. Roberti: While this process is taking place for a few weeks, they could be working on it and when Susan goes back out, hopefully it will meet code.
- Mr. Travis: The deck and the pool are how old?
- Mr. Minotti: The deck and the pool are both 40 years old.
- Mr. Prager: We will schedule a site inspection for Saturday, April 16th around 10:00am and the Public Hearing for April 26th.
- Mr. Travis: If I cannot make it this Saturday, is it okay to stop by sometime during the week? I went by but your house sits back.
- Mrs. Minotti: Yes, you can stop by anytime. Just drive up the driveway. It is 300 feet from the road and it's the green mailbox with the cedar fence. Is there anything else we need to know besides this?
- Mrs. Roberti: I think they have everything they need and we have a copy of the survey.
- Mr. Prager: Nope, but the Public Hearing is in two weeks.
- Mrs. Minotti: Thank you everybody.

New and Old Business:

Mr. Casella: Bea, just for the record I won't be here for the April 26th meeting.

Mrs. Ogunti: Thanks Al. I will make a note of that.

Ms. Valk: We did receive a decision in the Smart Article 78 and I was hoping we can go into attorney/client privilege so I can discuss the decision with you.

Mr. Casella: Motion to go into Executive Session for legal advice.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Motion to come out of Executive Session.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mrs. Roberti: The last thing is 33 Middlebush Road. It's the block building and we get a lot of buzz on it. The building is in disrepair, not horrible. It needs a new roof. It has lost its standing and it's in an R20 Zoning District and can only be something within an R20 without a Use Variance. The property doesn't lend itself to be a residence. They have septic and water problems. It could be for a small warehouse, wouldn't be a problem but I don't think they can get well & septic enough for a home. There are some wetland issues so you can't increase anything there. So it's got to be something otherwise the Town has to decide to take it and we don't want it. Steve Fraser, our Buildings and Grounds Supervisor looked at it to see if we could use it for our storage building. He said it's in such terrible condition he doesn't want it. Anyway, the guy is trying to sell it and I know somebody is going to come in for a Use Variance. So at least if somebody took it for indoor storage, it would fix it up and would be better on the tax rolls.

Mr. Prager: Thank you. Is there anything else?

Mr. Galotti: **Motion to adjourn.**
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 8:16 pm

Bea Ogunti
Secretary
Zoning Board of Appeals