

MINUTES

**Town of Wappinger
Zoning Board of Appeals
May 10, 2016
Time: 7:00PM**

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

Summarized Minutes

Members:

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

Others Present:

Mrs. Roberti Zoning Administrator
Mrs. Ogunti Secretary

SUMMARY

Public Hearing:

Linda Delvescovi	Variance Granted
Michael Valentino	Variance Granted with conditions
Gertrude & Joseph Minotti	Variance Granted
Walter & Maureen Addiss	Public Hearing moved to May 24, 2016

Discussion:

Rose Schwalb	Public Hearing on May 24, 2016
George & Michele Wilcox	Public Hearing on May 24, 2016

Mr. Johnston: Motion to approve the Minutes for the April 12, 2016 meeting.
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

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

Mr. Casella: Mike, just tell us a little about what you need and why you need it.

Mr. Delvescovi: There's a room that was built on the house and all that I am doing is finishing it off and making an apartment for my daughter. It was existing and nothing new.

Mr. Casella: So what you are doing is basically finishing it. You are on 3 acres and it's for your daughter who is expecting a child soon.

Mr. Delvescovi: Yes. She's due in the next 3 weeks.

Mr. Casella: I know the three of us had an opportunity to do a site visit.

Mr. Travis: I was by the property and from a review of the plan it's not an accessory structure and the structure is there.

Mr. Casella: Are there any questions from the board members?

Mr. Johnston: No.

Mr. Casella: Any questions or comments from the audience?

Mr. Johnston: Motion to close the Public Hearing.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Johnston: Motion to grant the variance, there is not an undesirable change to the character of the neighborhood at all. The square footage is somewhat substantial but it is not an excessive amount. There are no adverse or physical effects therefore I believe the variance should be granted.

Mr. Galotti: Second the Motion.

Roll Call Vote: All present voted Aye.

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 30' 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 1,200 square feet for the construction of a 30' x 40' – 22 high peak metal roof, metal garage for storage of jetski, snowmobiles, wood pellets & classic car,** thus requesting a **variance of 600 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. Johnston: Motion to open the Public Hearing.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Casella: Mike could you tell us about what you need.

Mr. Valentino: The three of you checked out the property and I'm constructing a 30' x 40' prefab metal garage.

Mr. Casella: We saw the drawing and looks like you are going to put a lift inside the structure?

Mr. Valentino: Correct.

- Mr. Casella: Do you plan on using it to store any landscaping equipment or anything else?
- Mr. Valentino: No, just my leisure stuff and it's very expensive. Over \$30,000 for the jet skis that I have to rent a garage to keep them in and for my lawn landscaping trailer. Everything enclosed and sits outside.
- Mr. Casella: It's not going to stay in the front of the yard?
- Mr. Valentino: No, everything will be stored in the back.
- Mr. Casella: What is the weight of your truck?
- Mr. Valentino: They are about 7,000 lbs. and it's a diesel truck.
- Mr. Johnston: Is that what you pull the landscape trailer with?
- Mr. Valentino: No, I use the dump truck.
- Mr. Johnston: How heavy is the dump truck?
- Mr. Valentino: It's about 10,000 lbs.
- Mr. Casella: Barbara, what is the weight allowed?
- Mrs. Roberti: Up to 12,000 lbs. for a commercial vehicle.
- Mr. Valentino: What do you mean?
- Mrs. Roberti: You are not allowed to have a commercial vehicle on your property that weighs more than 12,000 lbs. Are you running a landscaping business on your property?
- Mr. Valentino: Well, it gets parked there. Yes.
- Mr. Casella: So all of your equipment is going to be in the back and nothing in the front?
- Mr. Valentino: Yes. The pickup trucks are personal trucks.
- Mr. Johnston: Sir, what's the square footage of your house?
- Mr. Valentino: It's 2,500 sf.
- Mr. Galotti: The existing pole barn is coming down, right?

Mr. Valentino: Yes.

Mr. Galotti: So there's really one accessory structure.

Mr. Casella: Right. One is coming down and the other will be built.

Mr. Valentino: Right, and then tear the other down.

Mr. Casella: Is there anyone in the audience who 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. Galotti: Motion to grant the applicant the variance. I don't believe the benefit can be achieved by any other feasible means. It is a self-storage basically a garage and no real undesirable effects to the neighborhood. The request is somewhat substantial but I think it is fine and has no adverse effects to the physical or environmental effects to the neighborhood so I vote to grant the applicant the variance.

No Second. (Motion failed)

Mr. Travis: Mike, is there any other consideration you've had about attaching the garage to the house and doing some type of storage in the back? I have some concerns about the size of the structure and the metal building.

Mr. Valentino: You see where the property is located. You won't even notice the building from the road.

Conversation continued on the variance application.

Mr. Galotti: Motion to approve the variance with the stipulation that the building be reduced to 30' x 40' in size and the other condition is that the existing pole barn be removed. All trailers will be out of sight except for one at all times. The barn comes down within 60 days of the CO, only one garage door, clean up the yard, wainscoting and siding with neutral color (tan) and a darker wood base.

Mr. Travis: Second the Motion with the conditions listed.

Roll Call Vote: Mr. Galotti YES
Mr. Johnston NO
Mr. Travis YES
Mr. Casella YES

Mrs. Roberti: This will be filed but I don't have your other building permit. Were there plans in there for the 40' x 40'?

Mr. Valentino: I was waiting for this but I will get it to you now.

Mrs. Roberti: This will be in pending until that comes in.

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 **3' 4" feet** for the construction of a 2-car garage (unfinished) with storage area above, thus requesting a variance of **21' 6" 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. Johnston: Motion to open the Public Hearing.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Casella: Good evening.

Mr. Addiss: We have a correction. We had the surveyor plot the garage on the original drawing and he came up with 3'4' feet from the garage to the property line.

Mr. Casella: Do we need to modify that or just do a verbal?

Mrs. Roberti: So we increased the variance.

Mr. Johnston: Is it shrubbery behind your property line?

Mr. Addiss: It is Town property and it is all woods.

- Mrs. Roberti: Technically it should be republished because it's now a bigger variance.
- Mrs. Addiss: We did ask about that. Lisa, did you talk to them? Remember when I saw the newspapers I said it was wrong and then the meeting was cancelled.
- Ms. Niemier: I asked her and she said it was fine.
- Mrs. Ogunti: You asked who?
- Ms. Niemier: I asked both of you.
- Mrs. Ogunti: Not me.
- Ms. Niemier: Maybe it was someone else in your office and it was already published.
- Mrs. Roberti: Someone told you it was okay?
- Ms. Niemier: Yes, the first time it was published.
- Mrs. Roberti: Right. The first time was for the measurements that were given to us and then it was republished with those same measurements.
- Ms. Niemier: I knew that but I didn't have the actual square footage.
- Mr. Travis: I think that will have to be republished.
- Mrs. Roberti: It's going to be a larger variance now that it is 3' 4' from the property line.
- Mr. Casella: Unfortunately, because the variance got bigger instead of smaller, it has to be republished.
- Ms. Niemier: When they came to speak with them that Saturday, wasn't that spoken on that day?
- Mr. Casella: No, we didn't.
- Mrs. Addiss: No, we knew the garage was on the wrong property but didn't know exactly where that property ended.
- Mrs. Roberti: By law, like the gentleman that was before you, is less than the variance, you don't have to republish but when the variance becomes

larger, we protect you so nobody can come back later as you are building it.

Mrs. Addiss: That's okay. We just wanted to make sure it was our property.

Mr. Casella: So we are going to republish it and you will come back in two weeks and we go from there. Bea, I guess there's paperwork that has to be sent out again.

Mrs. Ogunti: I have to redo it so she has to stop by the office tomorrow to pick up the new paperwork.

Ms. Niemier: When is your next meeting?

Mrs. Ogunti: May 24th.

Ms. Niemier: I won't be here.

Mrs. Roberti: They can represent themselves. When is the next meeting in June?

Ms. Ogunti: June 14th, and Bob will not be here.

Mrs. Roberti: We can go to June 14th.

Mrs. Addiss: We will not be around on May 24th.

Mrs. Roberti: If you have a child or a relative they can represent you.

Mr. Casella: As long as you can get someone to represent you it's fine. We have postponed already and we don't want to postpone again and I don't want you to wait until June. So let's put it on the calendar for May 24th.

Mrs. Roberti: Adjourn this to May 24th to give us time to republish.

Mr. Johnston: What's the distance from the house to the garage?

Mrs. Addiss: It is 8 feet.

Mrs. Roberti: The property next to the garage, did you say it's Town property?

Mr. Addiss: I'm positive it is.

Mr. Casella: We will republish the paperwork and when your son comes we will hold the Public Hearing. Do you have any questions for us?

Mrs. Addiss: No, I thought you might have questions for us.

Mr. Galotti: Motion to adjourn the Public Hearing to May 24, 2016

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

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. Johnston: Motion to open the Public Hearing.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Casella: Good evening. If you won't mind saying a couple of words for the audience about what you want.

Mr. Minotti: We have 4 acres in the Town of Wappinger with a pool and a deck built in the '70s. We are selling the house and we need a CO.

Mr. Travis: Is it an above ground pool?

Mr. Minotti: Yes, it is.

Mr. Travis: The deck and pool are over 40 years old?

Mr. Minotti: Yes, and also the downstairs of the house.

Mrs. Roberti: The garage and CO is being taken care of.

Mr. Casella: What's about the shed?

Mrs. Roberti: We checked the whole property. There were only two things that were not legalized, the pool and the deck.

Mr. Johnston: So the pool and the deck are over 40 years old?

Mr. Minotti: Yes, they were built in the 70s.

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

Mr. Galotti: **Motion to grant the applicant the variance and I don't think the benefit can be achieved by any other means. It has not created any undesirable effect to the neighborhood. As a matter of fact the yard, deck and pool look pretty nice to be 40 years old. I don't believe the request is substantial and does not create any adverse effects to the environment so I approve the variance.**

Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Discussion:

Appeal No. 16-7581 (Variance)

Rose Schwalb: Seeking an area variance Section 240-37 of District Regulations in an R-40 Zoning District.

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **35 feet** for an existing **12' x 30'** deck, thus requesting a variance of **15 feet**.

The property is located at **3 Dose Road** and is identified as **Tax Grid No. 6258-04-874307** in the Town of Wappinger.

Mr. Casella: Good evening. Please tell us about what you need and why you need it.

Mrs. Schwalb: I'm hoping to get a CO for my deck. It's an existing deck. Apparently it's too close to my property line so I'm seeking a variance.

Mr. Galotti: How long has the deck been there?

Mrs. Schwalb: Since 1985.

Mr. Casella: Are you looking to sell the property is that why you need the CO?

Mrs. Schwalb: Yes.

Mr. Travis: Where is the deck on the house? I see the shed there.

Mrs. Schwalb: The deck is in the back and the shed is on the side.

Mr. Travis: Is it 30 feet long and 12 feet off the house? How is it laid out?

- Mrs. Schwalb: The deck is 30 feet long and 12 feet back along the house.
- Mr. Johnston: You said you've been there since 1985?
- Mrs. Schwalb: We extended it in 1985 but I think it was built in the 70s.
- Mr. Johnston: How long have you lived in the house?
- Mrs. Schwalb: Since 1977.
- Mr. Travis: So the house isn't even 50 feet from the property line.
- Mrs. Schwalb: Probably not.
- Mr. Casella: Is your property staked out?
- Mrs. Schwalb: I wish I could give you an answer. I don't know if they are staked. I do have a survey map.
- Mr. Casella: Is there a way to put a marker there? We are going to do a site visit so you will have to figure out where your property line is.
- Mrs. Schwalb: I don't know exactly where the property line is but the property behind us is my property as well. I have the 1.2 acres and my house.
- Mr. Travis: Do you have a stamped survey that shows the deck with those dimensions?
- Mrs. Roberti: The only survey that was submitted was from 1972 and it was poorly done. It doesn't even show setback to the house.
- Mr. Travis: We will want that to at least to show the deck with the exact measurements before granting it?
- Mrs. Roberti: It says the pipes are there. Is there anyone that can find the two stakes?
- Mrs. Schwalb: I can try to look. I actually have found another survey.
- Mrs. Roberti: Do you have it?
- Mrs. Schwalb: I have it with me?
- Mr. Travis: Is that general standard that we would need something that shows the exact survey and not just guessing?

- Mrs. Roberti: A lot of times we do.
- Mr. Travis: That doesn't show the deck?
- Mrs. Roberti: No, but it shows the house is 30 feet from the rear yard and the deck is 12 feet. So it's 18 feet from the rear.
- Mr. Travis: I think we really need the survey that shows the exact location with respect to the property line.
- Mrs. Roberti: We need to do an inspection and as long as we know where the house is.
- Discussion continued
- Mr. Johnston: You also say you own this piece of property behind it. Is it vacant?
- Mrs. Schwalb: I do and it's vacant.
- Mr. Johnston: How big is your property?
- Mrs. Schwalb: Just over an acre.
- Mrs. Roberti: So what I'm going to figure out tomorrow with this survey, is how far it is from the center. Whatever that is we will adjust the Public Hearing notice and then I'll copy this area and email to all of you.
- Mr. Johnston: If she owns the property behind it, does she plan on selling that piece of property behind you?
- Mrs. Schwalb: Eventually, yes.
- Mr. Johnston: If you joined it, there won't be any problem at all.
- Mrs. Roberti: We talked about that with you and the broker but it would cost quite a few thousand dollars to join it. It's not going to increase the sale of the house. It's more valuable being sold separately.
- Mr. Casella: We would like to do a site visit this Saturday at 9:00am.
- Mr. Travis: My niece is graduating so I will be in Jersey this weekend. Can I just contact you and go out there to look at the property? Can I reach you at the number on the application?
- Mrs. Schwalb: Sure. So your name is?

- Mr. Travis: My name is Richard Travis. What is your schedule like?
- Mrs. Schwalb: I work Tuesday and Thursday.
- Mr. Travis: I'll just call you to do the site visit if you don't mind.
- Mr. Casella: The three of us will come this Saturday around 9:00am.
- Mrs. Roberti: I'm going to set the variance at the largest variance and we could reduce if you want at the Public Hearing so there are not issues when you get out there.
- Mr. Casella: Your Public Hearing will be on May 24th.

Appeal No. 16-7582 (Variance)

George & Michele Wilcox: Seeking an area variance Section 240-37 of District Regulations in an R-20/40 Zoning District.

-Where **75 feet** to the front yard property line is required, the applicant can only provide **29.6 feet** for the construction of a front stoop and steps to replace existing stairs that do not provide a safe landing area at the entry level, thus requesting a variance of **45.4 feet**. The property is located at **2516 Route 9D** and is identified as **Tax Grid No. 6157-01-276923** in the Town of Wappinger.

- Mr. Casella: Good evening, I've seen your drawings?
- Mrs. Wilcox: Hi, I'm Michele Wilcox with Peter Meiser of Badey & Watson Surveying & Engineering. They did our survey.
- Mr. Meiser: We have some photos of the steps.
- Mr. Galotti: Is it of the existing steps?
- Mr. Meiser: Yes.
- Mr. Johnston: How long have the steps been in existence?
- Mrs. Wilcox: I don't know. We just bought the house a year and a half ago so they were there.
- Mr. Johnston: Looks like it's been there a while.
- Mrs. Wilcox: I think so. It's a 1930s house.
- Mr. Meiser: I only have one of these but this is a google map of where the house is. It's the first property.

Mr. Johnston: How big is your house from the front of the house to the back yard?

Mrs. Roberti: It's about 70 feet from his property line.

Mr. Meiser: It's about 75 feet from the center line.

Mr. Johnston: From the property line to the back of your house is approximately 70 feet.

Mr. Meiser: The plan is to replace the front steps with a stoop 3 feet forward and 8 feet wide from the stoop and three steps coming down. The steps are a little bit of a safety hazard. They don't have railings. The stoop will have railings going forward.

Mr. Johnston: Are you going to be coming forward from where the stoop ends?

Mr. Meiser: We are going to be covering that stoop with a 3 feet platform.

Mrs. Wilcox: There should be a drawing at the end of the application of what's being done.

Mrs. Roberti: For the record, this was also sent to Dutchess County Planning and they feel it's a matter of local concern.

Mr. Casella: Could you stake out the property before we get there for the inspection?

Mr. Meiser: If it's not staked, I will stake it myself.

Mr. Casella: So what we would like to do is this Saturday around 9:30am come over for a site inspection. Will anyone be there?

Mrs. Wilcox: Yes, my husband and I will be there.

Mr. Travis: You heard that I will be out of town. Would it be possible to just stop by to take a look at it?

Mrs. Wilcox: You are more than welcome. Do we need to be there?

Mr. Travis: No. It looks like 2 feet beyond what you have here.

Mr. Meiser: It should be about 3 feet because they are putting a 3 feet stoop.

Mr. Casella: We have your Public Hearing scheduled for May 24th.

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

Respectfully Submitted,

Adjourned: 8:11 pm

Bea Ogunti
Secretary
Zoning Board of Appeals