

MINUTES

**Town of Wappinger
Zoning Board of Appeals
May 24, 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
Mr. Travis	Member	Present

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Stewart's Shops Corp. #325	Adjourned Public Hearing to June 14, 2016
Walter & Maureen Addiss	Variance granted on May 24, 2016
Rose Schwalb	Variance granted on May 24, 2016
George & Michele Wilcox	Variance granted on May 24, 2016

Discussion:

Bradley & Nicole Cuadrado	Site Visit on May 28, 2016 Public Hearing on June 14, 2016
Concetta Olivieri	Site Visit on May 28, 2016 Public Hearing on June 14, 2016

Mr. Johnston: **Motion to approve the Minutes for the May 10, 2016 meeting.**
Mr. Galotti: 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. Casella: **Motion to open the Adjourned Public Hearing.**
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Mr. Prager: It's my understanding that we received correspondence that the applicant would like to postpone this to July 26, 2016.

Mrs. Roberti: Yes, but I think the board should reconsider. The project has been in arears for 6 months and they receive letters every month to pay their arears. The issue comes to who is responsible. Since Stewart's has given their assignment to the other project and he was made aware of the discrepancy in the escrow. At this point to continue it and it has been going on for a year so we need to bring it to a head. I would recommend that you make it the next meeting or the end of June at the very latest because we cannot keep a negative balance all the time.

Mr. Prager: So they haven't paid their escrow at all? Do you want to give them until the end of June?

Mr. Casella: Let's give them until the next meeting.

Mr. Prager: Okay, we will adjourn to the next meeting.

Mr. Casella: Motion to adjourn the Public Hearing to June 14, 2016.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Public Hearing:

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' 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. Prager: Wasn't this on the agenda before?

Mr. Casella: What happened is they changed the amount of the variance from 6 feet to 3'4" feet and they are requesting a 21'6"feet.

Mrs. Roberti: They had to re-mail and republish so we are starting from scratch.

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

Mr. Addiss: Good evening, my name is Greg Addiss and I'm representing my parents Walter & Maureen Addiss.

Mr. Prager: Tell us a little bit about what you need and why you need it. I guess there has been some changes since the last meeting.

Mr. Addiss: I believe the variance was changed to a bigger size.

Mr. Casella: It was 6'8" and now 3'4". So what they did was change the two variances and since they were small changes, we wanted to get them back as quickly as possible.

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

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 following variances: With regard to the first variance, the square footage amount, I don't believe the benefit can be achieved by any other feasible means. It does not create an undesirable effect to the neighborhood or detriment to the neighborhood. The request is not substantial and whether the request will have any physical effects to the environment, it will not.**

Regarding the second variance (21' 6"), I don't believe the benefit can be achieved by any other feasible means and it does not create an undesirable change to the neighborhood or character to the neighborhood. The request is substantial in nature, however, will not create any adverse effects on the environment.

Mr. Casella: Second the Motion.

Vote: All present voted Aye.

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 **18 feet** for an existing **12' x 30'** deck, thus requesting a variance of **32 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. Prager: Are all 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: Hi there, please come up and state your name for the record.

Mrs. Schwalb: Hello, my name is Rose Schwalb.

Mr. Prager: Could you explain exactly what you need and why you need it.

Mrs. Schwalb: My existing deck is only 18 feet from the property line so I'm going to need a variance of 32 feet and as you can see my property abuts my own property.

Mr. Prager: Yes, we were out there a couple of weeks ago to do a site inspection. Do you own the property behind you?

Mrs. Schwalb: Yes, I do.

Mr. Prager: Anyone has any questions?

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

Mrs. Schwalb: The deck has been there since the 1970s and then we extended the deck in 1985.

Mr. Prager: I understand that you are trying to sell the house?

Mrs. Schwalb: Yes, in the process.

Mr. Prager: Anyone in the audience who would like to speak for or against this project?

Mr. Casella: Do you own the second lot, the one behind you?

Mrs. Schwalb: I do.

Mr. Casella: Do you plan on selling that one as well?

Mrs. Schwalb: Yes, I do but right now, I have the property off the market.

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. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Casella: **Motion to grant the applicant the variance and it's not an undesirable change because the deck is there today. I don't believe that the benefit can be achieved by any other feasible means. It's a little bit substantial but there's no other feasible means of doing it. It will not have an adverse physical or environmental effects and even though it's self-created, the deck has been there since the early '70s and the second one since 1985. So I make a motion to grant the variance.**

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

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. Prager: Are all 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: How are you, if you would be so kind to state your name?

Ms. Wilcox: Hi there, my name is Michelle Wilcox.

Ms. Reed: I'm Jennifer Reed, the surveyor.

Mr. Prager: We did a site inspection a couple of weeks ago but why don't you go over what you need and why you need it.

Ms. Reed: She has an existing stairway which sticks about 3 feet away from the house. What she wants to do is replace it with a small deck and another 3 feet stairway. So it will stick out now about 6 feet instead of 3 feet. She's on Route 9D so she has quite a setback of 75 feet but she's pretty close to the road and it's an old house. She just wants to make the place look nice and safer.

Mr. Prager: Yes, we did see it and it looks minimal to me. The application was sent to Dutchess County Planning and Development and their response is a matter of local concern.

Mr. Galotti: Is the new platform going over the existing one?

Ms. Reed: Basically, it sticks out a little bit

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

Mr. Casella:
Mr. Johnston:
Vote:

Motion to close the Public Hearing.
Second the Motion.
All present voted Aye.

Mr. Johnston:
Motion to grant the applicant the variance and it is not substantial and the benefit cannot be achieved by any other feasible means. It does not create an undesirable change to the neighborhood and it poses no adverse or physical effects.

Mr. Casella:
Vote:

Second the Motion.
All present voted Aye.

Discussion:

Appeal No. 16-7583 (Variance)

Bradley & Nicole Cuadrado: Seeking an area variance Section 240-37 of District Regulations in an R-40 Zoning District.

-Where **30 feet** to the rear property line is required, the applicant can only provide **15 feet** for the installation of a 24' above ground pool, thus requesting a variance of **15 feet**.

The property is located at **19 Lenny Court** and is identified as **Tax Grid No. 6257-01-383560** in the Town of Wappinger.

Mr. Prager: Hi there, come on up and state your name and tell us what you need and why you need it.

Ms. Cuadrado: My name is Nicole Cuadrado. We are trying to install a pool and we can only provide 15 feet from the rear property line and we need to have 30 feet. The rear edge of our property is a wooded area and there are no neighbor. It doesn't meet the 30 feet setback. We want to install it there because eventually we would like to construct a deck around the pool so it needs to be a certain amount of feet off the existing deck that's attached to the house right now.

Mr. Prager: Is that the 12' x 16'?

Ms. Cuadrado: Correct.

Mr. Prager: What's the distance between that deck and where you want to put the pool?

Ms. Cuadrado: I don't have the plot in front of me but I want to say probably about 6 feet. I don't have the numbers in front of me.

Mr. Prager: That's fine. What we will do is have a site inspection so what we would like you to do is mark out where the pool is going and also your rear property line.

Ms. Cuadrado: On the property?

Mr. Prager: Yes.

Ms. Cuadrado: We currently have stakes on the property so is that okay?

Mr. Prager: That's fine as long as we can see the back property line.

Mr. Casella: What's in the back of the property?

Ms. Cuadrado: Woods.

Mr. Casella: You don't own it?

Ms. Cuadrado: No.

Mr. Casella: I'm just wondering if we can make the variance smaller.

Ms. Cuadrado: We even looked at getting a different size pool but we will still need a variance.

Mr. Casella: It's not the question about getting a variance.

Mr. Galotti: Is the shed yours?

Ms. Cuadrado: The shed is ours and was put up by the previous owners.

Mr. Prager: Do you know if there's a CO?

Mrs. Roberti: What happened along Lenny Court and other areas, people about 10 or 15 years ago, would come in with a plot plan and they gave a measurement and they got permits. A lot of people along Lenny Court and other places have put stuff back into the easement and it wasn't found until someone comes in with a survey and you see it. We had a pool a few properties down for someone who used to work here, the pool and the shed were in the easement.

Mr. Prager: Do we need a variance for that shed?

Mrs. Roberti: I don't think we can give a variance since it's on our property so it's another issue we are going to have to deal with it. They are going to have to pull that shed. Can the shed be moved? I don't know what condition it's in.

Ms. Cuadrado: It is not in great condition so my husband put a gate in front of it to keep animals from going in and out of it. There are parts of it that's completely rotted and I don't think it can survive a move.

- Mr. Prager: Maybe you should take it down.
- Ms. Cuadrado: My husband keeps his lawnmower in there.
- Mr. Prager: We will schedule a site inspection on Saturday, May 28th around 9:00am. Do we have to worry about any animals?
- Ms. Cuadrado: No, someone will be home regardless. I have my mother who will be watching my children or my husband will be home.
- Mr. Casella: Is it staked out?
- Ms. Cuadrado: The property itself will be staked out and I will have my husband measure and mark out where the pool will be.
- Mr. Prager: You mentioned a future deck. Do you have any idea how big that will be?
- Ms. Cuadrado: My husband is a carpenter and he will be doing the work so he will know.
- Mr. Prager: Barbara, if there's a deck and it's going around the other side, will it need a variance?
- Ms. Roberti: It would need a variance.
- Mr. Prager: We will schedule a Public Hearing for June 14, 2016 and a site inspection for Saturday, May 28th at 9:00am.
- Ms. Cuadrado: Thank you.
- Mr. Johnston: Let the record show that I will not be able to be at the June 14th meeting.

Appeal No. 16-7584 (Variance)

Concetta Olivieri: Seeking an area variance Section 240-37 and 240-30 of District Regulations in an R-20 Zoning District.

-Where **No accessory structure is permitted in the front yard, the applicant is seeking a variance to allow a 14' x 28' shed to be placed in their front yard.**

-Where **75 feet** to the front property line is required on a state or county road, the applicant can only provide **20 feet** to the front property line for the construction of a **14' x 28'** shed, thus requesting a variance of **55 feet.**

-Where **no more than two accessory buildings shall be permitted in any 1-Family Residence District, the applicant has 4 additional sheds**, thus requesting a **variance for 5 sheds to remain**.

The property is located at **207 Old Hopewell Road** and is identified as **Tax Grid No. 6157-02-668575** in the Town of Wappinger.

Mr. Prager: Good evening.

Mrs. Olivieri: Good evening. There are two errors in this application. The shed that we are applying for the permit for is 14' x 28'

Mr. Prager: Who filled this application out?

Mrs. Olivieri: I filled it out but I didn't right the blue ink stuff that's there.

Mrs. Ogunti: She mentioned it to me and I showed her the application that was given to us.

Mrs. Olivieri: I didn't put that in there.

Mrs. Roberti: Somebody wrote prefab shed, 15' x 30' and we wouldn't be the ones writing it.

Mrs. Olivieri: That's not my handwriting.

Mrs. Roberti: Who filled it out for you? You were standing there. Did Michele fill it out for you?

Mrs. Ogunti: Her son was filling it out.

Mrs. Olivieri: My son cannot read or write because he's half blind. It is wrong, whatever.

Mrs. Roberti: So we will fix it.

Mrs. Olivieri: It is 14' x 28' and I don't have 6 sheds.

Mrs. Roberti: I said 5 when we went over it that day.

Mrs. Olivieri: There are the two that I know of.

Mr. Prager: Before we get on that, let me just ask you another question. Where it says 15' x 30', is that the same shed that's to the front of the property line?

- Mrs. Olivieri: No. It is 20 feet to the front property line and 80 feet to the road. Nobody can see my property.
- Mr. Prager: What I'm asking is that the same shed that you just said is 14' x 28'?
- Mrs. Olivieri: There's another shed that's 15' x 30' that's on the side of the property near my house which was there when I bought the property in 1977. There's a shed behind the house which is 10' x 12'.
- Mr. Prager: The first thing that I had mentioned was "no accessory structure is permitted in the front yard". You are seeking a variance to allow a shed in the front yard. What size is that shed?
- Mrs. Olivieri: Yes, the shed is 14' x 28'.
- Mr. Prager: Now, the second one says 75 feet to the front property line is required and you can only provide 20 feet. Is that a different shed?
- Mrs. Olivieri: No. That's the same shed.
- Mr. Prager: Okay, that's what I wanted to know.
- Mrs. Roberti: So variance No. 1 will be corrected to say 14' x 28'.
- Mr. Casella: What's about the second one?
- Mrs. Roberti: So variance No. 2 will be corrected to say 14' x 28' is the same shed.
- Mr. Prager: Now we got taken care of. Looks like 6 sheds.
- Mrs. Roberti: From what I gathered, looks like 6 sheds total.
- Mr. Prager: That's including the one in the front?
- Mrs. Roberti: Yes. I have 5 sheds that are presently there.
- Mrs. Olivieri: Presently there's a 10' x 12' shed which is only 112 sf. and that's behind the house. Then there's a 15' x 30' shed that stores my husband's stuff and that's 450 sf. The one we want built is 14' x 28' on the side of the

house. The other thing she might be referring to are the tents my husband put up. They are actual Indian tents.

Mrs. Roberti: They still count.

Mrs. Olivieri: My husband has been getting rid of stuff all this time while we are waiting for this to come through. He's cleaning up the property.

Mr. Prager: How many sheds do you have?

Mrs. Olivieri: As far as I know there are two tents that are going to be removed. There will be 3 sheds with this new shed.

Mr. Casella: So there's the 15' x 30' on the side, you are looking for a variance for the 14' x 28', the 10' x 12' behind the house and 2 Indian tents. That's your 5.

Mrs. Olivieri: Yes.

Mr. Casella: So Barbara, how did you come up with 6?

Mrs. Roberti: I have 5 from the pictures we took. So we can adjust it to 4 plus the one she's adding for a total of 5. If you want, part of the variance could be as a condition to remove "x" amount of sheds. The Public Hearing notice has to be correct.

Mr. Casella: Why exactly you need Indian tents?

Mrs. Olivieri: To store equipment, machinery, landscaping stuff.

Mr. Casella: What are the dimensions?

Mrs. Olivieri: The circumference of this table.

Mr. Johnston: Why do you have to put the 14' x 28' shed in the front?

Mrs. Olivieri: It's the way the property is shaped and that would be an easy access to the driveway and to turn around in and out of the property.

Mr. Johnston: You have 3.6 acres?

Mrs. Olivieri: That's right. In addition to the 3.6 acres, I also own the other piece which is 1.76 acres on the Westside making it a total of over 5 acres.

Mr. Prager: Okay. We will be there on Saturday, May 28th around 9:20am. We will also schedule the Public Hearing for June 14, 2016.

New & Old Business:

33 Middlebush Road / Al Cappelli

Mr. Cappelli discussed the building located at 33 Middlebush Road for its usability. A dialogue took place between board members and Mr. Cappelli regarding use variance for this building.

It was concluded that Barbara Roberti would check with Jim Horan regarding the uses of the building and will have Mr. Cappelli come back based on Jim's findings.

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

Respectfully Submitted,

Adjourned: 7:50 pm

Bea Ogunti
Secretary
Zoning Board of Appeals

