

MINUTES

**Town of Wappinger
Zoning Board of Appeals
July 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. Johnston	Member	Present
Mr. Galotti	Member	Present
Mr. Travis	Member	Present

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Adjourned Public Hearing:

Stewart's Shops Corp. #325	Variance Denied
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Public Hearing:

Michael & Lynne Colley	Variance Granted
Joseph & Arlene Capozzoli	Variance Granted

Discussion:

Sean Miller & Nicole Machin	Public Hearing on July 26, 2016
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Mr. Casella: Motion to accept the Minutes from June 28, 2016
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.(PH opened 02-24-15 & closed 07-12-16)

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

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

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

Mr. Casella: Motion to deny the variance.
Mr. Galotti: Second the Motion.
Roll Call Vote:

Mr. Casella	YES to DENY
Mr. Galotti	YES to DENY
Mr. Johnston	YES to DENY
Mr. Travis	YES to DENY
Mr. Prager	YES to DENY due to withdrawal from Planning Board

Public Hearing:

Appeal No. 16-7585 (Variance)

Michael & Lynne Colley: Seeking an area variance Section 240-37 of District Regulations in an R-20 Zoning District.

-Where **20 feet** to the side property line is required, the applicant can only provide **15 feet** for a **15'x20'** oval above ground pool, thus requesting a variance of **5 feet**.

The property is located at **4 Davis Drive** and is identified as **Tax Grid No. 6257-02-897513** in the Town of Wappinger. (PH opened & closed 07-12-16)

Mr. Prager: Are 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: Mr. & Mrs. Colley come on up and state your name for the record.

Mr. & Mrs. Colley: Michael Colley and Lynne Colley.

Mr. Prager: We had a discussion a couple of weeks ago and we did a site inspection. For the record, please explain to everybody exactly what you need and why you need it.

Mr. Colley: We want to replace an existing pool and deck. They were built before the variance laws changed and they had COs but need a variance for it now. We are putting in a smaller pool and extending the deck to the back of our house and have a small deck around the pool. The deck will be on the other side of the pool. The back of the property is not the issue, it's the side of the property that we need a variance for.

Mr. Prager: Anybody in the audience would like so 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 variance. I don't believe the benefit can be achieved by any other feasible means. It does not create any undesirable change to the character of the neighborhood or detriment to nearby properties.

The request is not substantial and will not create any adverse effect to the environment.

Mr. Johnston:	Second the Motion.	
Roll Call Vote:	Mr. Casella	YES to GRANT
	Mr. Galotti	YES to GRANT
	Mr. Johnston	YES to GRANT
	Mr. Travis	YES to GRANT
	Mr. Prager	YES to GRANT

Appeal No. 16-7586 (Variance)

Joseph & Arlene Capozzoli: 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 installation of a **24' x 52"** above ground pool, thus requesting a variance of **7 feet**.

-Where **40 feet** to the rear yard property line is required, the applicant can only provide **8 feet** for the installation of a **24' x 52"** above ground pool, thus requesting a variance of **32 feet**.

The property is located at **28 Daisy Lane** and is identified as **Tax Grid No. 6158-02-855950** in the Town of Wappinger. (PH opened & closed 07-12-16)

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

Mr. & Mrs. Capozzoli: Joseph Capozzoli and Arlene Capozzoli.

Mr. Prager: We had a discussion a couple of weeks ago and we did a site inspection. For the record, please explain to everybody exactly what you need and why you need it.

Mrs. Capozzoli: I need more flat land is what I need (:

Mr. Prager: (: We noticed.

Mrs. Capozzoli: It's not so much the side property but the back because I have a hill in my yard. We need the variance because we want a larger pool for my daughter.

Mr. Prager: Anybody on the board or in the audience have any questions about this variance?

Mr. Casella: Motion to close the Public Hearing.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Johnston: Motion to grant the variance. The benefit cannot be achieved by any other feasible means and it is not undesirable to the character of the neighborhood. It is substantial but I don't believe it will cause any physical or environmental effect to the neighborhood.

Mr. Casella: Second the Motion.
Roll Call Vote: Mr. Casella YES to GRANT
Mr. Galotti YES to GRANT
Mr. Johnston YES to GRANT
Mr. Travis YES to GRANT
Mr. Prager YES to GRANT

Discussion:

Appeal No. 16-7587 (Variance)

Sean Miller & Nicole Machin: Seeking an area variance Section 240-37 of District Regulations in an R15 Zoning District.

-Where **35 feet** to the front yard property line is required, the applicant can only provide **27 feet** for the construction of a **12' x 22'** computer room, thus requesting a variance of **8 feet**.

The property is located at **294 Ketchamtown Road** and is identified as **Tax Grid No. 6156-02-566848** in the Town of Wappinger.

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

Mr. Miller & Ms. Machin: Sean Miller and Nicole Machin.

Mr. Prager: Basically what we do here is have a discussion and if we need additional information we will have you bring to the next Public Hearing. What we will also do is set a site inspection to take a look at the property to get an idea of what you are talking about. So why don't you tell us what you need and why you need it.

Ms. Machin: We are requesting a 9 feet variance so we can add a 12' x 22' addition to the left side of our house for a computer and play room.

Mr. Prager: I noticed at that corner it looks a little close on the plan.

Mr. Travis: This corner that's existing on the property line is only 30 feet so it would require another 4 additional feet.

Discussion and review of the plan continued.

- Mrs. Roberti: So we are adjusting that to 27 feet?
- Mr. Prager: Yes, so you are okay. They have 27 feet but they are asking for 26 feet.
- Mr. Johnston: Is it a difference of 3 feet?
- Mr. Galotti: No.
- Mr. Miller: The existing is 20 feet.
- Mr. Prager: How long have you lived in the house?
- Ms. Machin: We bought it in November of 2014.
- Mr. Prager: Okay.
- Mr. Johnston: You say it's a computer room.
- Mr. Miller: It's a computer/play room.
- Ms. Machin: We have two bedrooms in the house already so it' like a family room.
- Mr. Prager: I will set a site inspection for this Saturday, July 16th at 9:00am. If someone is not available on Saturday, is it a problem going another time? Every now and then someone cannot make it.
- Ms. Machin: Of course.
- Mr. Prager: What I would like you to do is mark where that building is going to be and make sure you know exactly where your property line is.
- Ms. Machin: Yes, we have it flagged.
- Mr. Prager: We will schedule the Public Hearing for July 26th.
- Mrs. Ogunti: I'm going to need to make the adjustments to the variance and will need to update your Public Hearing notice so if you don't mind sending your mother tomorrow morning to pick it up any time after 10:00am.
- Ms. Machin: She lives in Nyack. I can send his mother. Is that okay?

Mrs. Roberti: Send a friend, anyone as long as you get them out this week.

Ms. Machin: We will have his mom come to pick it up.

Mrs. Ogunti: Anytime on Wednesday and try to get it in the mail as soon as possible.

Ms. Machin: Alright, so she just has to come and pick that up?

Mrs. Ogunti: Yes.

Mrs. Roberti: You have to get it in the mail no later than Friday or Saturday morning. They need almost 10 days to go full circle because there are return receipts.

Ms. Machin: Okay, I will have her pick it up tomorrow.

Mr. Miller: How late are you open?

Ms. Ogunti: We are here from 8:30am to 4:00pm.

Ms. Machin: Thank you.

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

Respectfully Submitted,

Adjourned: 7:17 pm

Bea Ogunti
Secretary
Zoning Board of Appeals

