

MINUTES

**Town of Wappinger
Zoning Board of Appeals
August 9, 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	Absent

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Catherine Pendzuk	Public Hearing on August 23, 2016
Roxanne Wentworth	Public Hearing on August 23, 2016
Michael & Dawn Gunn	Public Hearing on August 23, 2016
Peter & Debra Ball	Public Hearing on August 23, 2016
Mid-Hudson Holdings, LLC	Public Hearing on August 23, 2016

Mr. Casella: Motion to accept the Minutes from July 26, 2016.
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Appeal No. 16-7588 (Variance)

Catherine Pendzuk: Seeking an area variance Section 240-37 and 240-30 of District Regulations in an R40 Zoning District.

-Where **no more than two accessory buildings shall be permitted in any 1-Family Residence District., the applicant is requesting a variance to allow three sheds to remain (two have Shed Amnesty- 8'x12' & 10'x20')** and for the construction of a **12' x 30' carport to enable homeowner to store items in yard,** thus requesting a variance to allow three sheds.

-Where **Outdoor storage of 1 auto trailer or 1 unoccupied recreation vehicle or 1 boat or 1 other single vehicle owned by the residents of the premises, provided that such trailer, boat or other single vehicle is effectively screened from adjoining properties. Such storage area shall comply with all minimum yard setback requirements for buildings for buildings, but in no case shall it be permitted in the front yard, the applicant is requesting a variance to allow three trailer/campers to remain.**

The property is located at **20 Valley Road** and is identified as **Tax Grid No. 6258-02-936733** in the Town of Wappinger.

Mr. Prager: Good evening. Who do we have here to speak on this matter?

Mr. Harten: Edward Harten.

Mr. Prager: Mr. Harten, please tell us a little bit about what you have here.

Mr. Harten: I have three trailers and one of them is a sailboat, the other is a hauling trailer for bringing stuff to the dump and the other one is an old camping trailer.

Mr. Prager: I have some pictures here in front of me. Barbara, are these pictures that I'm looking at up-to-date?

Mrs. Roberti: They are from May of 2016.

Mr. Harten: They've changed since then.

Mr. Prager: Don't worry about it right now because we are going to have a site inspection anyway so we have a good idea of exactly what you are talking about.

Mr. Johnston: What's the carport in the back?

- Mr. Harten: The gray one that's coming down, that's the 10'x20'. I wanted to put up a 12'x30' but the paperwork says 12'x25' at the moment.
- Mrs. Roberti: How big is the one you want to put up?
- Mr. Harten: I want to put up a 12'x30'. Some of the stuff you want me to get rid of is 24' long so one extra foot doesn't leave much room.
- Mr. Prager: I don't even see that on the application.
- Mr. Johnston: How many sheds do you have on your property now?
- Mr. Harten: There's one wooden shed and there's a lower garage.
- Mr. Johnston: What do you mean by lower garage?
- Mr. Harten: It's 10'x20' and it's out of sight.
- Mr. Johnston: You have a 10'x20' so how big is the first one.
- Mr. Harten: I think it is 10'x12' wood shed that's been there since the '80s.
- Mr. Prager: Right now you have a 10'x20' and a 8'x12'.
- Mr. Harten: Out in the back is a 10'x20'.
- Mr. Prager: Is that it?
- Mr. Johnston: Do you have two 10'x20's?
- Mr. Harten: Yes.
- Mr. Casella: I thought it was a 10'x12', 10'x20' and 8'x12'?
- Mr. Harten: I'm not sure off the top of my head.
- Mr. Prager: We will check it when we go out there. You want to put up a 12'x25' carport and you are saying that's not the correct number?
- Mr. Harten: I prefer 12'x30' if I could do it.

- Mrs. Roberti: If you go to the plot plan that's near the back, in the center is the 10'x20' and that one already has a shed amnesty and was given permits for that. On the other side he has an 8'x12' and that has a shed amnesty also. Next to it I have 12'x30' that he wants to build.
- Mr. Prager: So you want to put that next to the 8'x12' and this is what you want?
- Mr. Casella: This says 12'x25'.
- Mrs. Roberti: What do you want? Do you 12'x30' or 12'x25'?
- Mr. Prager: He said he would like 12'x30'.
- Mrs. Roberti: He changed it. It was 12'x25'.
- Mr. Prager: So are we going to make it 12'x30' or 12'x25'?
- Mr. Prager: As I'm looking at this plot plan, I only see two that you have there now.
- Mr. Harten: There's a 10'x20' carport there now.
- Mr. Prager: Where is that?
- Mr. Harten: That's the gray one you are looking at.
- Mr. Prager: Is it the one near the house?
- Mr. Harten: No. That's the steel building in the back.
- Mr. Prager: It says he's got two 10'x20' sheds. Isn't that what you just told me?
- Mr. Casella: No, no.
- Mr. Prager: You said 10'x20', then an 8'x12' and then you said 10'x20'.
- Mr. Casella: He said 10'x12'.
- Mr. Prager: Then you want something else.
- Mr. Casella: He wants a 12'x30'.
- Mr. Harten: There's a 10'x20' steel building in the back.

Mrs. Robert: That's this one and it's the one in the center.

Mr. Harten: It's the steel building that's all the way in the back and it's been there since the '60s.

Mr. Prager: That's the 10'x20'.

Mr. Harten: Yes. There's a 10'x20' along the wood shed now and that's the one in the picture that you are looking at. I want to take that one down and put in the 12'x30' so I will end up with three instead of four and will give me enough space to do what I have to do.

Mr. Johnston: What's in the new sheds now?

Mr. Harten: Tractors, snow blowers and other things.

Mr. Prager: So the outdoor storage, recreation vehicle, what's all that?

Mr. Harten: There's a camper there and a lot of what you see in the yard you are asked me to take down and my father had that for 10 or 12 years. I had to take it down so I won't get a fine.

Mr. Prager: We will set up a site inspection on August 20th at 9:00am.

Mr. Johnston: Also, could you give us an idea where your property lines are? I know you have three acres but just give us an idea.

Mr. Prager: Do you have a site plan?

Mr. Harten: There is no survey.

Mr. Prager: How big is the property?

Mr. Harten: It's between 2 ½ to 3 acres it's under 3 acres.

Mrs. Roberti: I will look on GIS and will email it to you. Just remember that the lines aren't exact.

Mr. Prager: That will be a big help.

Mr. Harten: Everything is at least 50 to 60 feet from the nearest property.

Mr. Johnston: Do you live at this property?

Mr. Harten: Yes.

Mr. Prager: Who is Catherine?

Mrs. Harten: My daughter.

Mr. Prager: So she's the one that actually put this application in.

Mr. Harten: Her name is on the living trust so she had to sign the paperwork.

Mr. Prager: You guys live there?

Mr. Harten: Yes.

Mr. Prager: We will see you on August 20th at 9:00am and we will set the Public Hearing for August 23rd.

Mr. Harten: I appreciate your time. Thank you.

Appeal No. 16-7589 (Variance)

Roxanne Wentworth: Seeking an area variance Section 240-37 of District Regulations in an R20/40 Zoning District.

-Where **75 feet** is required from a state or county road, the applicant can only provide **34 feet** for the construction of a **5' x 12'** front deck, thus requesting a variance of **41 feet**. The property is located at **53 Middlebush Road** and is identified as **Tax Grid No. 6157-02-531890** in the Town of Wappinger.

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

Ms. Wentworth: My name is Roxanne Wentworth.

Mr. Prager: Tell us a little bit about the property and what you need and why you need it.

Ms. Wentworth: The house was built in 1943 and I don't know when the porch was built. There's paint around the bottom of it and I think some of it is cinderblocks and some red bricks. I noticed a couple of years ago that the top of the current porch looks like a solid slab of concrete with cracks in the middle. I put non-skid surface on it so I really don't know when or if that's going to give in. It is very old.

Mr. Johnston: Approximately how big is your front porch now?

Ms. Wentworth: It's about 6' or 7' wide to the house and maybe 3 ½ or 4' out.

- Mr. Prager: So that will be replacing the current porch?
- Ms. Wentworth: This will be replacing the entire thing.
- Mr. Prager: Is it going to be smaller or about the same size?
- Ms. Wentworth: The blueprint for the new one will be 12' wide which would be against the house.
- Mr. Prager: How big is the one you have there now?
- Ms. Wentworth: It's about 3 ½ or 4'.
- Mr. Casella: So you are going to replace the concrete with a wooden deck?
- Ms. Wentworth: Yes, the contractor said 6' footings. It's my friend that's going to be doing this but his blueprint is there. Do you have the blueprint?
- Mr. Galotti: For the most part, this one is going to replace the old one.
- Mr. Prager: How much property do you have?
- Ms. Wentworth: I have half an acre.
- Mr. Johnston: How many steps do you have going up to your house right now?
- Ms. Wentworth: Probably three or four but they are on the side and they are solid concrete.
- Mr. Johnston: This one is going to be in the front?
- Ms. Wentworth: Yes, the opening on the porch would be in the front. I'm not sure how many feet it is from the house to the center line and the road. I don't think 40' is accurate. I think it's more.
- Mr. Johnston: I understand that.
- Ms. Wentworth: Are you going to measure it on Saturday?
- Mr. Johnston: If you could lay it out for us with paint or something?
- Ms. Wentworth: From the front of the house to the center?
- Mr. Johnston: To where you want to put the stairs.

Mr. Prager: Who is building it?

Ms. Wentworth: A friend.

Mr. Prager: Is there any way he could be here on August 23rd or can he mark out the footprint where the steps come down?

Ms. Wentworth: I cannot be there.

Mr. Prager: That's fine. If you could just him mark it up for us.

Ms. Wentworth: From the house to the street or from the porch to the street?

Mr. Prager: From the porch to the street.

Mr. Casella: So you might need a bigger variance.

Mrs. Roberti: We might have to adjust it. You can always reduce it. So we will change this to 6'.

Ms. Wentworth: That would be a lot better.

Mr. Prager: So you are not going to be there on August 20th which is fine as long as we know what we are looking at. The Public Hearing is August 23rd.

Mrs. Roberti: We are going to change the 30' to 40'?

Mr. Casella: Yes.

Ms. Wentworth: I don't think that's really accurate.

Mrs. Roberti: It might be a little less but if we publish it and it's a little more, we will have to do it again. We are doing this to save you from any issues.

Mr. Johnston: You can always go smaller, you can't go bigger.

Ms. Wentworth: Oh, I know I can't go bigger. I'm going to have to shovel it. I also think it looks horrible and I have had so much done and that porch is still there. I think for the neighborhood and for me it would be a big improvement.

Mr. Johnston: We will be there on August 20th.

Ms. Wentworth: Thank you.

Mr. Prager: We will be there a little after 9:00am.

Ms. Wentworth: I'm going to try to be there. Thank you.

Appeal No. 16-7590 (Variance)

Michael & Dawn Gunn: Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **25 feet** to the side yard property line is required, the applicant can only provide **16 feet** for the installation of a 24' above ground round pool, thus requesting a variance of **9 feet**.

-Where **25 feet** to the side yard property line is required, the applicant can only provide **15 feet** for the construction of a deck on both sides of the pool, thus requesting a variance of **10 feet**.

The property is located at **105 Brothers Road** and is identified as **Tax Grid No. 6358-03-080435** in the Town of Wappinger.

Mr. Prager: Mr. Gunn, come on up.

Mr. Gunn: I'm Michael Gunn. I'm here to get a variance for a 24'x54 height pool and I can only provide 16' versus the required 25'.

Mr. Prager: I notice you have a small acreage.

Mr. Gunn: I have a little over $\frac{3}{4}$ acres. I'm trying to utilize as much property as I can.

Mr. Johnston: Did you already buy the pool?

Mr. Gunn: No, I did not. I got coached before coming here.

Mr. Johnston: They do come smaller?

Mr. Gunn: I know.

Mr. Prager: So the front of your house goes to Gold Road?

Mr. Gunn: One of my front ends goes to Gold Road and the other towards Brothers Road. My front is on Brothers Road.

Mrs. Roberti: The front of his house is on Brothers Road and his driveway is on Gold Road. You should have a survey.

Mr. Johnston: Do you have a septic?

- Mr. Gunn: Yes, I do and it's in the front on Brothers Road side and my well is towards Gold Road.
- Mr. Prager: What's in the back of the property? Where's the deck?
- Mr. Gunn: I have a garden. On that plan, there's just a concrete slab. I don't know what that was.
- Mr. Casella: Do you pretty much own where the cut is to the property? So back there is the back of your property?
- Mr. Gunn: From where the trees are toward the house. I do have one question for you guys. I know there's no deck at the time for this but if I could submit these, I just want to show eventually where I want to put a deck. I don't know what the variance is for that. I just want to know what my setback is.
- Mrs. Roberti: On this side you will probably have 25' because of the pool and on this side, you will need a variance. You can put it on this variance. You get more bang for your bucks, you pay ones you get one variance for both items. But if you do, then the building permit for the pool stays the pool but if you add the deck you cannot get a CO on the pool until both are finished. Because variance runs with the land, you could take out the deck at another time within a year.
- Mr. Gunn: I don't plan on putting the deck until little on.
- Mrs. Roberti: Do you want to add to it?
- Mr. Gunn: Yes, I want to.
- Mrs. Roberti: So we are going to change the Public Hearing notice tomorrow since you are not doing the walk this Saturday.
- Mr. Prager: That would be a good idea. Is August 20th good for you?
- Mr. Gunn: Yes.
- Mr. Prager: So we will have the site inspection on August 20th around 9:30am and we will set the Public Hearing for August 23rd.
- Mr. Gunn: Thank you.

Appeal No. 16-7591 (Variance)

Peter & Debra Ball: Seeking an area variance Section 240.30 of District Regulations in an R-20 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 a 34' x 30' detached (1020 sf.) garage,** thus requesting a **variance of 420 square feet.**

The property is located at **13 Orange Court** and is identified as **Tax Grid No. 6157-02-900890** in the Town of Wappinger.

Mr. Prager:

Mr. Ball, tell us a little bit about what you want and why you want it.

Mr. Ball:

I would like to place this garage directly behind my residence. We live on a cul de sac and we have about one and quarter acres of property. The rear yard has a slight elevation change so the garage would actually be set lower than the elevation of the residence.

Mr. Johnston:

Are you going to have a driveway all the way to the back?

Mr. Ball:

I spoke to a gentleman here and he required a 12' wide driveway that can support a 30 ton load so the driveway will go along the side of the existing attached garage on the east side and will go straight to that garage.

Mr. Prager:

Why do we need this building this large?

Mr. Ball:

I'm using it as a hobbyist garage. I'm an automotive hobbyist and my current existing garage the dimensions are roughly 19'x20' and the cars are currently parked there. With all of my equipment and tooling I cannot even walk around it. Also I can use it for the restoration and care of those vehicles.

Mr. Johnston:

Does it have to be that big?

Mr. Ball:

I have two cars and a lot of equipment.

Mr. Johnston:

How tall is the building?

Mr. Ball:

The current height is under 18' and I believe the variance is 21'. Originally I was looking at a metal pole barn but I've since changed my plans to a wood structure.

Mr. Prager:

I see a little shed there.

- Mr. Ball: It's got a CO and that's for storage for lawn tractor and lawn tools.
- Mr. Prager: Could you fit all of that in that new building?
- Mr. Ball: Could I put what in the shed?
- Mr. Prager: Take the shed out and put everything in the new structure.
- Mr. Ball: It would make it a bit more cramped.
- Mr. Prager: Is it doable?
- Mr. Ball: Can you fit it in there? Yes. Is it what I'm requesting? No.
- Mr. Johnston: How big is the shed?
- Mr. Ball: I don't recall. Does it indicate that on the plan? I would say about 10'x14'.
- Mr. Johnston: You already have a certain amount of storage.
- Mr. Ball: It's consumed and the shed is full.
- Mr. Johnston: This will be an additional 400 sf.
- Mr. Ball: It's 400 sf. for the structure but I am proposing is 420 sf. above the variance.
- Mr. Johnston: It still is only one structure.
- Mr. Casella: It is 420 sf. over the 600 sf. that he is allowed and he's got this addition.
- Mr. Johnston: It's an addition on top of that.
- Mr. Ball: I'm sorry, I'm not following it.
- Mr. Johnston: If you had two structures that were 600 sf. that would be 1200 sf. You already have on structure that's approximately 600 sf.?
- Mr. Ball: Whatever the math is. It is 10'x14' so what's the math on that?
- Mr. Johnston: It's 140 sf. So that's 140 sf. in addition to the 400 sf. that you are asking.

Mr. Ball: No. That shed is already approved.

Mrs. Roberti: That's not what he's saying. He's trying to say that at the end of the day should you get this garage you are going to have close to 1200 sf. of storage space.

Mr. Ball: I understand that it's considered storage space.

Mr. Prager: This obviously is a hobby of yours, right?

Mr. Ball: Yes.

Mr. Casella: You are not going to do any other work in there?

Mr. Ball: No. I'm not doing anything for payment.

Mr. Casella: Is there a reason why it's so far back?

Mr. Ball: Eventually we would like to place a swimming pool in the backyard. If I move the garage forward and try to put a pool in there, it would be very cluttered and crowded. I would like to push it back as far as I can because it meets all of the setback requirements. The only thing is the footprint.

Mr. Galotti: How big is the parcel all together?

Mr. Ball: I will have it all staked out so when you guys come out for the visit you will see that it's all backyard.

Mr. Casella: You say you are on a cul de sac?

Mr. Ball: Yes and you cannot see that structure when you stand directly in front of my house. It's impossible to see that structure.

Mr. Johnston: Who is building it?

Mr. Ball: It's going to be myself and possibly Don Lynch Construction.

Mr. Prager: We will do the site inspection on August 20th around 9:30am – 9:45am and set the Public Hearing for August 23rd. Will you be there?

Mr. Ball: I'll be there.

Mr. Prager: It would be nice to mark it up.

Mr. Ball: It's already marked up.

Mr. Prager: Again, we will do the Public Hearing on August 23rd.

Appeal No. 16-7592 (Variance)

Mid Hudson Holdings, LLC: Seeking an area variance Section 240-30 and 240-37 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 a 30' x 46' detached garage (1380 sf.)**, thus requesting a **variance of 780 square 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 is proposing a height of 21.5 feet for a detached garage**, thus requesting a **variance of 1.5 feet in height.**

The property is located at **15 Caliburn Court** and is identified as **Tax Grid No. 6257-04-597488** in the Town of Wappinger.

Mr. Prager: Good evening. Please state your name and tell us a little about what you want and why you want.

Mr. Goetz: My name is John Goetz and I'm the applicant and also the owner of Mid-Hudson Holdings. We are currently working on a subdivision in Town for the Ridges subdivision located off Shamrock Hills Drive in the Town of Wappinger. First I want to let the board know is that as far as the overall height of the building, I believe I miscalculated the height of the building. The building is 30' wide and has a 12'x12' roof ridge pitch so half of that is 15' from the bottom of the rack to the very top of the ridge. So if you split that in half it would be 7.5'.

Mrs. Roberti: So what's your measurement from the floor to the median of the roof?

Mr. Goetz: It would be 21.5' so I was way off when I came in to fill out the application.

Mr. Prager: Not 32' but 21.5'.

Mr. Goetz: So 21.5' would be the height. I was off with my calculation.

Mrs. Roberti: We are going to change that to 21.5'.

- Mr. Prager: You live at this residence?
- Mr. Goetz: No, I have been contracted to build a single-family dwelling with the detached garage for the gentleman name Robert Barone. Mr. Barone came here tonight just in case you had any questions for him. Mr. Barone is an antique car collector and I wasn't aware of limitation as far as the zoning goes. I've been working with Mr. Barone for quite some time and not aware of the actual limitations on the sides. The garage is 2-cars wide and 2-cars deep in either direction. He doesn't want to keep any of his vehicles outside and I don't know if the car restricts unregistered vehicles to be outside?
- Mrs. Roberti: We only allow one.
- Mr. Goetz: This is purely a hobby. It isn't his job and this isn't his first home, it is his dream home. The detached garage is a big part of his plan for him and his family.
- Mr. Prager: On this plan that we have here, it says a garage. Is that the garage we are talking about?
- Mr. Goetz: Yes, in the back here.
- Mr. Johnston: Are you going to have two garages?
- Mrs. Roberti: There will be one in the rear.
- Mr. Goetz: The one in the rear will be detached.
- Mr. Johnston: The house will have a garage?
- Mr. Goetz: The house will have a garage already. It will be a 2-car garage.
- Mr. Johnston: Why isn't the garage attached to the house?
- Mr. Goetz: It wasn't part of the plan from the beginning.
- Mrs. Roberti: The house has a garage.
- Mr. Johnston: It isn't built yet, correct?
- Mr. Goetz: Correct.

- Mr. Johnston: What I'm saying is if you built it with that 30'x34' garage attached to the house as a part of the house.
- Mr. Prager That is not the style of the house.
- Mr. Casella: What is the style of the house? Is that a raised ranch?
- Mr. Goetz: It's a 2-story colonial with a little bit of Victorian flare to it. The overall square footage is a little more than 3500 sf. Most of the homes in the subdivision we plan on building are at least 3500 sf. or above.
- Mr. Prager: Where about is Calburn Court?
- Mr. Goetz: So Shamrock Hills Drive is the Toll Brothers subdivision from years ago. It's the Farfaro piece that was left over years and they developed Shamrock.
- Mrs. Roberti: If you go into Shamrock Hills it's approximately three or four properties in. What happened was during the subdivision we had roads A, B and C. The reason they were there was they went to properties that would otherwise be land lots. So there are future roads so John is going to actually open that up from Shamrock Hills between these two properties on the filed map and bring it into the new road which is Calburn Court. This is the first house in this new subdivision.
- Mr. Prager: Is the road there now?
- Mr. Goetz: The road is being constructed right now. The maps are filed and Calburn Court is on file with the County. So 911 approved the name in order for the subdivision to move forward. Mr. Barone is their first customer.
- Mr. Johnston: How many cars do you have right now?
- Mr. Barone: I have 9 right now and they are like muscle cars, jeeps, trucks and I've been working on cars since I was 13 years old. They are all registered. I have a 16 year old son and nephews and we like to work on vehicles. We enjoy it so I've been waiting about two years for this and almost 10 years to get this detached garage that we can use as a place to work on our vehicles and close the doors. The reason it's detached is it would just look hideous attached. It's a conventional 2-story colonial with an additional 2-car garage in the back.

- Mr. Johnston: Are they in storage now?
- Mr. Barone: No, actually I store one in the winter. I have a 3-car garage at my current house and I have a nice size driveway.
- Mr. Prager: What kind of storage are you going to put above it?
- Mr. Barone: I have parts and my current garage has a 14' ceiling and I have storage around it. With the new garage, I don't want to do that.
- Mrs. Roberti: Do you have any small print of the house?
- Mr. Goetz: I think I have one right now if you want me to make copies.
- Mrs. Roberti: If you could get copies this way they can have a feel for it.
- Mr. Goetz: Do you want me to come in tomorrow to amend this Barbara?
- Mrs. Roberti: Yes, and if you could get copies for them.
- Mr. Galotti: The roofing and siding of the garage will be the same as what the house is?
- Mr. Goetz: Pretty much. I would think Mr. Barone would want that.
- Mr. Barone: Initially we wanted a different color but it will have the same basic color as the house.
- Mr. Prager: We will have a site inspection on August 20th and set the Public Hearing for August 23rd.

Respectfully Submitted,

Adjourned: 7:52 pm

Bea Ogunti
Secretary
Zoning Board of Appeals

