

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
September 27, 2016  
Time: 7:00PM**

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

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**SUMMARY**

Summarized Minutes

**Members:**

Mr. Prager	Chairman	Absent
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

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**SUMMARY**

James Davitt

Public Hearing on October 11, 2016

**Mr. Johnston:**                           **Motion to accept the Minutes of September 27, 2016.**  
**Mr. Galotti:**                            Second the Motion.  
**Vote:**                                    All present voted Aye.

**Discussion:**

**Appeal No. 16-7593 (Variance)**

**James Davitt:** Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where **20 feet** to the side yard property line is required, the applicant can only provide **10 feet** for the construction of a 2 car detached garage (**24' x 24'**), thus requesting a variance of **10 feet**.

The property is located at **13 Regency Drive** and is identified as **Tax Grid No. 6358-01-048647** in the Town of Wappinger.

**Mr. Casella:**                            Good evening Mr. Davitt. Please come up and tell us about what you want to do and why you want to do it. There are some changes here that we would like to talk to you about. We have a couple of maps here that you've changed and we also want to get some clarification on the size of the garage. On the paper it says 22'x24' but on here it shows 24'x24'.

**Mr. Davitt:**                            The original dimensions were 22'x24' in consideration of the setback to the side and the wall that goes out because of the grading. Now that we are going to move it back where the front of the garage would be almost leveled within inches of the dirt, I could go with 24'x24' and have a side entrance. That was the major hold up with the 22'x24', I couldn't have the side entrance. Now that the garage is back, we are going to go with 24'x24' garage and have two single doors in the front and an entry door on the side.

**Mr. Casella:**                            What about the pavement? Based on the drawing we have here, there's an easement and you cannot put pavement within 10 feet of an easement.

**Mrs. Roberti:**                         You are showing it on this plan the pavement going into the easement.

**Mr. Davitt:**                            The pavement is going to be the same standoff as the existing driveway from the street down. We are just going to extend it back.

**Mrs. Roberti:**                         Your plan shows you are proposing it into the easement and you can't do that.

- Mr. Casella: We just want to make sure when you go and put your pavement in that you are 10 feet from easement.
- Mr. Galotti: It looks like it's a 10 feet setback from the easement.
- Mrs. Roberti: He's got to stay 10 feet off the side property line from the road all the way up.
- Mrs. Davitt: The driveway is 10 feet from the property line. The actual dimension of the driveway will remain the same.
- Mrs. Roberti: This just say proposed so we are trying to clear that up.
- Mr. Johnston: What size slab are you putting in?
- Mr. Davitt: It will be 24'x24'.
- Mr. Johnston: You have 24'x26' here.
- Mr. Davitt: It was an older design.
- Mr. Johnston: So the slab is going to be 24'x24'?
- Mrs. Davitt: We don't need the side walkway anymore because the door is going back and right in the existing backyard.
- Mr. Davitt: I see what he's looking at here. I must have given the surveyor the wrong dimension. The garage is going to be 24'x24'. I had asked him to put 26' in so that there was a 2' apron in the front of the garage. That's why it's 26' deep and 24' wide. I'm sorry I'm a little fuzzy tonight.
- Mr. Travis: You want it to remain like that?
- Mr. Davitt: Yes, I want it to remain.
- Mr. Casella: The only thing I notice on page two it says the net difference will be 8' from the property line versus the Town minimum of 20'.
- Mr. Davitt: This was the original.
- Mr. Casella: So 24'x26' was 8' and 24'x24' is now 10'?
- Mr. Davitt: It is 10' off the utility easement and 10' off the property line.

- Mr. Johnston: So it's 10' off the property line which makes it just even with the easement so it comes out to "0".
- Mr. Davitt: The surveyor is going to send me some new drawings to show a couple of inches of a setback off the 10' utility easement.
- Mr. Casella: Is the easement marked on your property?
- Mr. Davitt: When I saw him last he asked me if I wanted him to do it and I didn't see a need to but if you want it, I'll have him come back and stake out the 10'.
- Mr. Johnston: Why do you need the extra garage?
- Mr. Davitt: The two garages that are under the house are way too small and I want to be able to park one of the cars in there and to be able to store stuff including tools.
- Mrs. Davitt: There's no basement in the house either. It is a split level.
- Mr. Johnston: So it's going to be used for storage.
- Mrs. Davitt: No. The proposed garage is going to be used for car and to store tools/workshop and the existing garage is going to be used for storage.
- Mr. Johnston: Are you going to have electricity?
- Mrs. Davitt: Yes. We have a certified licensed electrician from Dutchess County who is going to extend the power from the house to the new garage.
- Mr. Davitt: We are going to upgrade the whole house to 200 amps and then run 50 amps out to the garage.
- Mr. Johnston: Is there a second floor?
- Mr. Davitt: No. Just light storage.
- Mrs. Davitt: No. No living space or anything. No mother-in-law apartment.
- Mr. Johnston: Do you plan on paving all the way to the back of the garage?
- Mr. Davitt: Yes.

- Mr. Johnston: How wide will that be?
- Mr. Davitt: It will be 19' wide because I also widen the driveway from the street down and built a retaining wall. That dimension is 19' and it will be 62' from the back of the house.
- Mr. Johnston: Will it encroach on the easement at all?
- Mr. Davitt: Absolutely not.
- Mrs. Davitt: Once again the outer dimension of the driveway remains the same and it's everything going away from the property line.
- Mr. Galotti: Just to clarify Barbara, the driveway needs to be 10' from the side of the easement?
- Mrs. Roberti: Yes, so wherever their property line is, 10' into their property from that line has to stay open and accessible from the front of their property to the back. That easement can't have anything but grass and bushes.
- Mrs. Davitt: That's the way it is at the moment.
- Mrs. Roberti: The only reason I brought it to their attention tonight is the fact that it angled into the easement. We better tell you now before you pay someone.
- Mr. Davitt: The surveyor made that mark on his drawing that shows where the existing blacktop turns away from the property line. He took into consideration that 10' dimension.
- Mrs. Roberti: I just want to bring something to your attention. Do you pay flood insurance?
- Mr. Davitt: I don't know.
- Mrs. Roberti: I just want you to be aware that the flood zone behind you and the part of it comes over to your house is the A Zone. It's the least invasive but if you don't have a mortgage you won't know that you need flood insurance. If you do, normally the banks want you to. You have the tail of the AE Zone which is the more invasive and intense zone coming down and that garage may cover that. Where it may not affect you right now it might affect you some day when you go to sell the house. So when you place the garage, you

may want to make sure that it's at least a foot higher than that base elevation. Your surveyor can help you with that and let him certify so that later when you go to sell the house a bank doesn't tell your prospective buyer they are going to need thousands of thousands of dollar worth of insurance.

Mrs. Davitt:

Okay. No problem.

Mr. Casella:

I you going to be able to have your surveyor mark where the easement is?

Mr. Davitt:

I'll call him tomorrow to see how quickly he can do this.

Mr. Casella:

Call Bea and let her know tomorrow and she will let us know whether we can do a site visit this Saturday otherwise we will schedule it for the following Saturday.

Mr. Davitt:

Okay.

Mr. Casella:

What we want to see is not only the easement but show us where the garage is going and mark it out so we can be able to see it.

Mrs. Davitt:

We just got a grading permit so there's all that fill and I'm waiting for someone to come and pick up the fill.

Mr. Davitt:

We can stake it but you can figure out where it will be.

Mr. Galotti:

What he means is the surveyor will come out and stake out the easement, right?

Mr. Davitt:

Right.

Mr. Galotti:

What we need from you basically is a rough idea of where the garage is going to be. You don't have to pay a surveyor to do that.

Mr. Casella:

You can do it yourself.

Mr. Davitt:

He's been very helpful since this has changed a few times from the original.

Mr. Johnston:

You went from a 1 ½ car to a 2 car garage, why?

Mr. Davitt:

I shrunk it because the dimensions to keep it off the 10' line but inside the little wall that we built. We kept it 2' off that line to keep leaves from building up in there and keep it

clean but you could put an entry way. We shrunk it a little and put a double door in the front with an entry door. Because it's back far enough where the grade actually meets the existing grade, I can put two single doors in the front (24' wide) and put the entry door on the side.

Mrs. Davitt: We were not aware of it and when we bought the house the survey didn't show any utility easement. It was just a blank sketch showing the perimeter of the property.

Mr. Casella: How long have you guys been in the house?

Mr. Davitt: We closed the end of 2012 and we moved in the beginning of 2013.

Mrs. Davitt: It's going to be 4 years the end of this year.

Mr. Travis: Just want to mention something and it's not pertaining to the variance itself. In the flood zone definitely where they are they might want to sit with the building inspector and just get some ideas because there may be some more costly type of construction you might need.

Mrs. Roberti: You might not want to get rid of the fill and you might need some of it to bring the elevation of the garage up.

Mr. Travis: Is it a prefab garage that you are getting?

Mr. Davitt: No, it's going to be stick built on site.

Mr. Travis: Are you going to have an architect or engineer doing your plans or you getting it from a company?

Mr. Davitt: The 84 Lumber actually gave us a diagram.

Mr. Travis: This is something to think about because in the flood zone there are very stringent construction requirements and they can be found in the residential code. I'm not sure if the Town code has any others on top of that.

Mrs. Roberti: We do.

Mr. Travis: You might want to consider that because that could add to your construction costs also. You might want to investigate this outside of the variance because variance is for zoning and setbacks.

Mr. Casella: Do you have any other questions for us?

Mr. Davitt: No.

Mr. Casella: Okay, just let Bea know when you talk to your surveyor and see when we can come out. It will be this Saturday or the following Saturday. We will schedule the Public Hearing for October 11, 2016.

Mrs. & Mrs. Davitt: Thank you very much.

Respectfully Submitted,

Adjourned: 7:16 pm

Bea Ogunti  
Secretary  
Zoning Board of Appeals