

MINUTES

**Town of Wappinger
Zoning Board of Appeals
July 25, 2017
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Prager	Chairman	Absent
Mr. Casella	Co-Chair	Present
Mr. Johnston	Member	Present
Mr. Galotti	Member	Present
Mr. Travis	Member	Present

Others Present:

Ms. Valk	Town Attorney
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Discussion:

Smart Subdivision	Public Hearing on August 22, 2017
Rebecca & George Piazza	Public Hearing on August 8, 2017 Site Visit on July 29, 2017
Sharon Ann Hundley & Matthey Carpenter	Public Hearing on August 8, 2017 Site Visit on July 29, 2017
Gloria Quezada	Public Hearing on August 8, 2017 Site Visit on July 29, 2017

Mr. Johnston: **Motion to accept the Minutes from July 11, 2017.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Discussion:

Appeal No. 17-7609 (Variance)

Smart Subdivision – Seeking an area variance Section 240-20B of District Regulations in an R40 Zoning District.

-Where **50 feet** is required for the length of a flag lot driveway, the applicant can only provide **25 feet** at the narrowest point, thus requesting a variance of **25 feet**.

The property is on 2.059 acres and is located at **191 River Road North** and is identified as **Tax Grid No. 6056-01-241913** in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design) (Cantor)

Present: Mike Bodendorf – Engineer
Richard Cantor – Attorney

Mr. Casella: Good evening Mr. Cantor.

Mr. Cantor: Good evening gentlemen. Since we were here last the Planning Board as the Lead Agency adopted a Negative Declaration for the three variance alternatives that the ZBA said it preferred to the original one variance application that we came here with. I don't know what your pleasure is but I was hoping that you might agree that the public hearing already held covered this amended application. I don't know what your determination is on that procedure.

Mr. Casella: We talked about it and our determination is that we want to have a public hearing in two weeks and we will make our decision at that point. I would also like to have a full board here as well.

Mr. Cantor: What is the date of that meeting?

Mrs. Ogunti: August 8th.

Mr. Cantor: When is your meeting after that?

Mrs. Ogunti: August 22nd.

Ms. Valk: That actually works good for me.

Mrs. Smart: I won't be here on August 22nd.

Mr. Cantor: Are you okay if I did it without you or do you want to put it off?

Mr. Casella: Mr. Cantor, I think you can handle the meeting on August 22nd if Mrs. Smart is not available.

Mr. Cantor: I'm sure she trusts me.

Mrs. Smart: Yes.

Mr. Cantor: Did I understand you to say Mr. Chairman that night after the public hearing if the majority is so inclined you will consider granting the variance that night?

Mr. Casella: Yes.

Mr. Cantor: Thank you very much.

Ms. Valk: Did you submit revised narrative to reflect the new variances or just the map?

Mr. Cantor: Just the map. I will submit a revised narrative.

Mrs. Roberti: Richard, we will revise the original application to put the three variances on it.

Mr. Cantor: Okay.

Ms. Valk: Have a good night everybody.

Appeal No. 17-7622 (Variance)

Rebecca & George Piazza: Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **25 feet** to the side yard property line is required, the applicant can only provide **9 feet** for the construction of an additional **10'x 11'** deck (next to an existing pool and deck), thus requesting a variance of **16 feet**.

The property is located at **5 Schuele Drive** and is identified as **Tax Grid No. 6258-02-800676** in the Town of Wappinger.

Mr. Casella: Good evening.

- Mr. Piazza: I requested a variance because I would like to build the deck down to put up against my pool for access to replace the current method which needs mainframe ladder. I have a 3 1/2 year old daughter and we need access to the pool. In speaking with the Zoning Department in order for us to do what we want to do we will need this variance.
- Mr. Casella: So today you have one deck in place.
- Mr. Piazza: I currently have the 12' x 20' deck.
- Mr. Casella: You want to do a second deck by the pool?
- Mr. Piazza: I want to do a second deck that will be leveled to the pool that will have stairs connecting it to the original deck.
- Mr. Casella: So the two decks will connect.
- Mr. Piazza: Yes, the two decks will be connected. There will be a gate on the top deck and a gate on the bottom deck going down the ground below along the stairs.
- Mr. Casella: Are there any questions from the board?
- Mr. Johnston: Is the new deck you are requesting going to be any closer to the lot line?
- Mr. Piazza: It will be closer to the side line at the corner lot. My closest neighbor to the deck would technically be my side lot based on the way it has been zoned. It would be closer than the current deck that I have.
- Mr. Casella: So if you take a look at this plot plan one deck is right on the house and the other deck is away from the house?
- Mr. Piazza: The new deck will be lower than the old deck by about 4 feet. There will be stairs connecting the two.
- Mr. Casella: I would like to set a site visit this Saturday around 9:00am and we will set the public hearing for August 8th. Do you have it already staked out so we can see where you are putting it?

Mr. Piazza: I don't have it yet but I will have it staked out by Saturday if you want to come sooner. There is currently a 4 feet chain link fence that encloses the back of my house, the pool and the deck. There are two evergreen trees that border the deck.

Mr. Johnston: Could you also tell us where your property line is?

Mr. Casella: Do you have something outlined that shows your property in the back?

Mr. Piazza: I can mark it out with something.

Mr. Casella: Alright. We will see you on Saturday around 9:00am.

Mr. Piazza: Thank you.

Appeal No. 17-7623 (Variance)

Sharon Ann Hundley & Matthew Carpenter: Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **40 feet** to the rear yard property line is required, the applicant can only provide **16' 8"** for an existing above ground pool, thus requesting a variance of **23' 2" feet**.

-Where a shed has been placed on the adjoining property owned by the applicant without a primary use, the applicant is requesting a variance to allow the shed to remain. An accessory use may not be placed on a parcel that does not have a primary use.

The property is located at **15 Thorn Acres Drive** and is identified as **Tax Grid No. 6056-03-223388** (pool/central air) and **6056-03-228402** (existing 12' x 24' shed no electric) in the Town of Wappinger.

Mr. Casella: Hello Mr. Carpenter. Tell us a little bit about what you need and why you need it.

Mr. Carpenter: I have a pool in my backyard and my father put it in when I was an infant 45 years ago. It had been replaced years back and I just found out that I need a permit.

Mr. Casella: Is it the same footprint?

Mr. Carpenter: Yes, same exact spot and there's only 16 feet going to the back line. When we originally put the pool there it was just woods. The pool has been there longer than the neighbors. My father had always had a shed there and I didn't think I needed a permit for a pre-made shed.

Mr. Casella: There are two plot plans in there. One has the pool and the other has the shed. Could you show me where the shed is on this side? Barbara, do you have that?

Mrs. Roberti: I only have a GIS picture.

Mr. Casella: I cannot tell by the two plot plans whether the shed is on the property.

Mr. Carpenter: I can explain to you.

Discussion continues.

Mr. Casella: Is it legal to have that?

Mrs. Roberti: No, that's why he needs a variance.

Mr. Johnston: He doesn't have a CO?

Mrs. Roberti: No, he doesn't have anything. He opened a permit for the shed and I had to deny it. If you were so inclined to give him the variance to allow it

Mr. Casella: So it's only two variances we have to grant?

Mrs. Roberti: Right. One is the pool for the rear and the other is the shed to remain on the undeveloped lot.

Mr. Johnston: You own those lots?

Mr. Carpenter: Yes.

Mr. Johnston: Have you ever thought about joining the lots?

Mr. Carpenter: I've looked into it but it's very expensive. It's about \$8,000.00.

Mr. Casella: How did you find out that you need a variance for the pool?

Mr. Carpenter: I received a letter in the mail.

Mr. Casella: So you have a pool for 45 years and all of a sudden you need a variance?

Mrs. Roberti: No, it is not a 45 year old pool.

Mr. Carpenter: I don't know how long the pool has been there but it's been there for a long time.

Mrs. Roberti: It started out with the shed from years ago.

Mr. Casella: So this has been ongoing?

Mrs. Roberti: We tend to drive around that's when the pool was discovered and central air so if you are going to legalize you might as well legalize everything.

Mr. Johnston: Are you asking for a variance for the central air?

Mrs. Roberti: No.

Mr. Casella: How long has the shed been on the property?

Mr. Carpenter: There's always been a shed on the property since I was little. This shed has been there for maybe 10 or 15 years.

Mr. Casella: We are going to do a site visit on Saturday around 9:15am so if you could stake out the back so we can see that.

Mr. Carpenter: I already have it staked out.

Mr. Casella: We will set the public hearing for August 8th.

Mr. Carpenter: Thank you.

Appeal No. 17-7619 (Variance)

Gloria Quezada: Seeking an area variance Section 240-37 of the District Regulations in an HM Zoning District.

-Where **12 feet** to the side yard property line is required, the applicant can only provide **7 feet** to allow for an existing dwelling to remain and be altered, thus requesting a variance of **5 feet**.

The property is located at **120 New Hamburg Road** and is identified as **Tax Grid No. 6157-01-005621** in the Town of Wappinger.

Present: Al Cappelli – Architect

Mr. Casella: Good evening Mr. Cappelli.

Mr. Cappelli: Good evening. I will give you the short version of why we are here today. The Quezada's bought the property two years ago. It was probably a bank owned property. It's a one acre piece of property. I don't know if you guys have the survey in front of you. Notwithstanding they went to another architect and they attempted to get a building permit to fix the house that we are here for this evening. Barbara and Susan went out there about a year ago and there were many problems with the building and they got rid of the architect and they came to me. The discussion was to build a new house in the back so we designed a preliminary for a ranch house. We designed the septic system and submitted it to the Health Department. The Health Department said it is too close to the adjacent well and septic. We were 100-150 feet away but it called for a fill section. My system being raised slightly put me higher than the two little houses to the west to their wells. Health Department said they cannot give me the approval for the new house.

Mr. Cappelli continues his review of the project.

Mr. Casella: What is going to happen to the little deck?

Mr. Johnston: It's going to stay there.

Mr. Cappelli: No, the deck is existing.

Mr. Johnston: Is this Route 9D?

Mr. Cappelli: No, that's New Hackensack Road. The basket place is right next to me.

Mrs. Roberti: Right next door is the pink and blue house.

Mr. Cappelli: So here's Route 9D and here is the deli/post office right here. There are two houses here and I can't meet the distance separation. They say 100 feet, 150 feet isn't good enough and I need to be 200 feet. The front is going to look the same.

Mr. Johnston: According to this picture which way are you pushing out?

Mr. Cappelli: I'm pushing out to the back.

Mr. Johnston: Because the septic is near the house is why you need the variance?

Mr. Cappelli: Correct, on the one side.

Mrs. Roberti: It's actually closer in the front to that side than he would to the back.

Mr. Johnston: Is it laid out already?

Mr. Cappelli: No, but I can lay it out before Saturday.

Mr. Casella: We will be there on Saturday around 9:30am and the public hearing is on August 8th.

Mr. Cappelli: Thank you.

Mr. Galotti:

Mr. Johnston:

Vote:

Motion to adjourn.

Second the Motion.

All present voted Aye.

Respectfully Submitted,

Adjourned: 7:24 pm

Bea Ogunti

Secretary

Zoning Board of Appeals