

MINUTES

**Town of Wappinger
Zoning Board of Appeals
August 8, 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	Absent

Others Present:

Mr. Horan	Town Attorney
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Rebecca & George Piazza	Variance granted
Sharon Ann Hundley & Matthew Carpenter	Adjourned to August 22, 2017
Gloria Quezada	Variance granted

Discussion:

Linda DeMuccio	Public Hearing on August 22, 2017 Site visit on August 12, 2017
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Mr. Johnston: **Motion to accept the Minutes from July 25, 2017.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

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

Mr. Casella: Bea, are all of the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Casella: Mr. Piazza please come up to the microphone and tell us a little bit about what you are requesting.

Mr. Piazza: I am requesting a variance of 16 feet because I only have 9 feet to give in order to build an additional 10' x 11' deck that will attach to an existing 12' x 24' deck via a 4 feet staircase. The staircase will be adjacent to an existing 15' round pool that I have. I just want to provide me and my family easy access to get into our pool.

Mr. Casella: Did everyone get to take a look at the property?

Mr. Galotti: Yes.

Mr. Johnston: How far are you from the rear setback without the new addition?

Mr. Piazza: The side where I need the variance is measured at 10' 1".

Mr. Johnston: Are you going to impede on that any further?

Mr. Piazza: The deck would be within the fenced in area and it would be 10' to that line.

Mr. Johnston: So it's not going to change or get any closer?

Mr. Piazza: No, it won't.

Mr. Johnston: What's about the fire pit?

Mr. Piazza: It will be removed. I don't believe I would have clearance for the stairs to adequately get down so the fire pit will be removed and not relocated at this time.

Mr. Casella: Are there any questions from the audience? I just want to tell you that we only have three members here today and three of us will have to vote yes in order for it to be approved. It's your choice tonight whether you want us to vote tonight or wait until we have a full board.

Mr. Piazza: If one of you votes no, can I have it voted on at another time when all of the members are here?

Mr. Casella: Once we vote no, that's it.

Mr. Piazza: I would like to go with the vote.

Mr. Johnston: **Motion to close the Public Hearing.**

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: **Motion to approve the variance. I don't believe the benefit can be achieved by any other feasible means. It does not create any undesirable effects to the neighborhood or any nearby properties. The request is substantial but will not have any adverse effects on the environment.**

Mr. Johnston: Second the Motion.

Roll Call Vote:

Mr. Galotti	YES
Mr. Johnston	YES
Mr. Casella	YES

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. Johnston:

Mr. Galotti:

Vote:

Motion to open the Public Hearing.

Second the Motion.

All present voted Aye.

Mr. Casella:

Mr. Carpenter, please come up and tell us what you are looking for.

Mr. Carpenter:

I am looking for 23' 2" for my above ground pool in the back yard. I have 16' 8" only so I need the additional footage. For my shed I need a variance to allow it to be on the lot.

Mr. Casella:

Everybody had a chance to go out and look at it?

Mr. Johnston:

The footprint for the pool hasn't changed in a number of years?

Mr. Carpenter:

Always been the same size and same spot.

Mr. Casella:

How long has the pool been on the property?

Mr. Carpenter:

This particular shed has been there for about 10 years.

Mr. Johnston:

What's the use for the shed that far away from the house?

Mr. Carpenter:

The shed is used to store lawnmower, weed whacker and in the winter I put all the things we use in the summer in there. Pretty much anything that has gas I put in the shed. I can't put it on the lot with the house because I don't have any room.

Mr. Horan:

So there was a shed there previously?

Mr. Carpenter: When I was little my father put a shed there.

Mr. Johnston: How long ago?

Mr. Carpenter: When I was about 5 years old. Eventually when I got older and started taking care of the house for my mother, I took the shed down.

Mr. Johnston: Was it always in the same place?

Mr. Carpenter: It was close but not exactly because I had the lot cleared out a bit just to try to improve the look of the lot.

Mr. Casella: Is there a reason why you can't put the shed up where the house is?

Mr. Carpenter: I just didn't have enough room. I have 25 feet off the back line and 25 feet to the side which would put the shed practically in my bedroom.

Mr. Casella: Are there any questions from the audience?

Mr. Horan: Did your parents buy the properties?

Mr. Carpenter: Yes.

Mr. Horan: When did you buy them?

Mr. Carpenter: About 45 years ago. The house was bought in 1972.

Mr. Horan: The subdivision was bought in 1974?

Mr. Carpenter: Yes.

Mr. Horan: Did you buy the property from Thorn?

Mr. Carpenter: I think it was from the guy who was doing the building in the area.

Mr. Horan: I think the subdivision says 1974. Is your father dead?

Mr. Carpenter: No. He's in North Carolina.

Mr. Horan: The title is in you and your mother's name right now?

Mr. Carpenter: Yes.

Mr. Horan: When did that happen?

Mr. Carpenter: I don't know.

Mr. Horan: We can look it up. So you bought the house in 1972 and the house was existing.

Mr. Carpenter: Yes.

Mr. Horan: At some point in time you bought the house first and the lot second?

Mr. Carpenter: Yes.

Mr. Horan: What was the intent when you bought the lot?

Ms. Hundley: We bought it for privacy.

Mr. Horan: Just privacy?

Mr. Carpenter: In 1972 there were probably 14-15 houses there now it's filled.

Mr. Horan: Have you looked to market that property?

Ms. Hundley: No.

Mr. Horan: What's the size of the shed?

Mr. Carpenter: It is 24' x 12'.

Mr. Horan: Is that approximately the size of the other one?

Mr. Carpenter: The other one was more square so probably 15' x 15'.

Mr. Horan: Were you born in that house?

Mr. Carpenter: Yes.

Mr. Horan: So there would have been a shed there by 1977.

Ms. Hundley: Yes.

Mr. Horan: I don't have any more questions at this time.

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

Mr. Horan: Mr. Chairman, what I think would be appropriate would be to put this over based on the information with the prior shed being there. There was a shed amnesty at one point in time.

Mrs. Roberti: His father probably didn't apply for it.

Mr. Horan: The other question is I don't know when this accessory provision was in place. Arguably if it wasn't in place in 1977 roughly when the shed went in then it would be considered to be a nonconforming use which was replaced. Instead of issuing a variance, you can issue an interpretation that this is a nonconforming use and no variance is required.

Mr. Casella: Basically you are saying we should postpone it and do more research on it? My suggest would be that you wait until August 22nd when we have a full board and at that time we should have some information from our attorney.

Mr. Carpenter: Okay. What was the date?

Mr. Casella: August 22nd.

Mr. Carpenter: Okay.

Mr. Johnston: Motion to Adjourn to August 22nd.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

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. Johnston:

Motion to open the Public Hearing.

Mr. Galotti:

Second the Motion.

Vote:

All present voted Aye.

Mr. Casella:

Did everyone have an opportunity to visit the property?

Mr. Cappelli:

This is an existing house at 120 New Hamburg Road and as we mentioned last month they would have liked to build a new house. We couldn't meet the setbacks required by the Health Department so the default solution was to do a major renovation to the existing house. Notwithstanding we are looking to add on the back to make it more livable. The house is only going out 5 more feet and the deck beyond that.

Mr. Casella:

Are you keeping the existing foundation?

Mr. Cappelli:

Yes.

Mr. Casella:

So the first floor is going to stay and you are going to get rid of the second and call it the third floor?

Mr. Cappelli:

Correct.

Mr. Casella:

Is the front porch going to go too?

Mr. Cappelli:

The porch is going but we are rebuilding it.

Mr. Casella:

You are going to get rid of the existing porch today and you are going to get rid of the second and third floor and the foundation and first floor stays.

Mr. Cappelli:

The foundation in the front is going to stay and I am removing the foundation and "L" shape affair in the back.

Mr. Johnston:

Will you be keeping the exterior walls?

Mr. Cappelli:

The exterior walls on the first floor only. The second floor is going to be all new.

Mr. Johnston:

Are the stairs in the front going to be relocated?

Mr. Cappelli:

I haven't decided how I am going to break those stairs.

Mr. Johnston:

Are you going to be redoing the foundation?

Mr. Cappelli: I will be redoing the foundation in the back.

Mr. Casella: Are you going to show it?

Mr. Cappelli: I'll do whatever you need me to do.

Mr. Galotti: What is happening to the barn in the back?

Mr. Cappelli: We are not touching the barn but I have not looked at it and I can make it a part of the record.

Mr. Casella: Are there any questions from the audience?

Ms. Diachanco: My name is Helena Diachanco, 122 New Hamburg Road. We live next door to the house this gentleman is talking about. I am not clear about what is going on. I did not understand what the project is. Is the house going to be rebuilt after the first floor or are you adding on more floors?

Mr. Cappelli: Currently the foundation is almost out of the ground right now, then the first floor where the porch sits and story and a half. So basically block off the second floor making it a full second floor. The front of the house width wise remains the same. I am going to add 5 feet to the back of the house and I'm adding a deck beyond that.

Ms. Diachanco: So it's not going to be part of the driveway coming out?

Mr. Cappelli: Absolutely not.

Ms. Diachanco: That's why I'm asking because it's not exactly clear.

Mr. Cappelli: We have a site plan here if you would like to look at.

Ms. Diachanco: Thank you.

Mr. Johnston: Do you have any other questions?

Mr. Casella: Is there anybody else 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. Johnston:

Motion to grant the variance. I don't see how the benefit can be achieved by any other feasible means. It will be keeping with the design and I don't believe it will be undesirable to the neighborhood. It is somewhat substantial and I don't believe it's going to cause any adverse effect or impact on the physical or environmental conditions in the neighborhood. I believe it will improve the neighborhood.

Mr. Galotti:

Second the Motion.

Roll Call Vote:

Mr. Galotti YES

Mr. Johnston YES

Mr. Casella: YES

Discussion:

Appeal No. 17-7624 (Variance)

Linda DeMuccio: Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **20 feet** to the right yard property line is required, the applicant can only provide **10 feet** for an existing **24' x 22'** deck, thus requesting a variance of **10 feet**.

The property is located at **38 Amherst Lane** and is identified as **Tax Grid No. 6057-04-825428** in the Town of Wappinger.

Mr. Casella:

Come on up. Tell us a little about what you are looking for.

Ms. DeMuccio:

Linda DeMuccio. I'm looking for a variance on my existing deck. When I put in a survey for an application it showed the existing deck is too close to the property line.

Mr. Johnston:

Does this exist presently?

Ms. DeMuccio:

Yes.

Mr. Johnston:

How old is it?

Ms. DeMuccio:

It's about 9 years.

Mrs. Roberti:

This is the one I was telling you about. So two permits were taken out in the early 2000 and on both permits it says they had 32 feet to the side and they were under that assumption. They came in for a bedroom addition

on the left width in the back of the house which has nothing to do with tonight. Because there's a survey for the deck that was done years ago shows 10 feet to the side I'm trying to clean it up moving forward.

Mr. Casella: So there's no issue with the 14' x 14' and only the 24' x 22' needs a variance?

Mrs. Roberti: Yes.

Mr. Casella: We are going to do a site visit on Saturday around 9:00am. Is the property staked out so we can see the 10 feet?

Ms. DeMuccio: No, it isn't.

Mr. Casella: Is there a way to mark out the property for us?

Ms. DeMuccio: I'll have the contractor mark it out.

Mr. Casella: Do you have a fence there?

Ms. DeMuccio: No, there's nothing there.

Mr. Casella: We will schedule the public hearing on August 22nd.

Ms. DeMuccio: Thank you.

Mr. Galotti:
Mr. Johnston:
Vote:

Motion to adjourn.
Second the Motion.
All present voted Aye.

Respectfully Submitted,

Adjourned: 7:30 pm

Bea Ogunti
Secretary
Zoning Board of Appeals