

MINUTES

**Town of Wappinger
Zoning Board of Appeals
September 12, 2017
Time: 7:00PM**

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

Summarized Minutes

Members:

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

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Myers Corners Landing Subdivision	Decision on September 26, 2017
John & Sharon Fusaro	Variance granted
Donald & Mary Langley	Variance granted

Discussion:

Grace Bible Church	Public Hearing on September 26, 2017 Site visit on September 23, 2017
Guardian Self-Storage Units	Public Hearing on October 10, 2017
James & Pamela Siegel	Public Hearing on September 26, 2017 Site visit on September 23, 2017

Mr. Galotti: Motion to accept the Minutes from August 22, 2017.
Mr. Travis: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

Appeal No. 17-7625 (Variance)

Myers Corners Landing Subdivision – Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **20,000 square feet** is required for a lot in a subdivision, the applicant can only provide **13,409.8 square feet**, thus requesting a variance of **6,590.2 square feet**.

-Where **75 feet** is required for a lot in a front yard setback on a State or County road, the applicant can only provide **18 feet**, thus requesting a variance of **57 feet**.

The property is located on **Myers Corners Road** and is identified as **Tax Grid No. 6157-02-899988 (0.26 acres)** in the Town of Wappinger. (Povall)

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

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

Mrs. Ogunti: Yes, they are.

Mr. Prager: Good evening.

Mr. Povall: Good evening, I'm Bill Povall on behalf of the applicant, RJA Holdings. We have two applications before the board tonight for two variances associated with an 11,000 sf. parcel on an existing commercial building. The property is in a R20 residential zoning district and a second property to the rear of this lot which is 5.8 acres. We are currently before the planning board. We are also working with some concerns they have regarding the use on this parcel. They want to know if the applicant would consider changing the use to a residential use. We are proposing

to add more land from the 5.8 acres parcel but we will need a variance. The property is located on a county road and we are proposing to remove the existing structure and replace with the residential structure. Again, we are before the board for a front yard variance to be in compliance to make the front yard deeper.

Mr. Prager: I just want to make it clear that our part tonight has nothing to do with the subdivision. The only thing we have to talk about is the piece of property in the front which I believe will be taken down. I know there are a couple of sheds in the back. When we did the site inspection, I noticed there's a boat back there?

Mr. Povall: Yes, there is a boat.

Mr. Prager: If we give approval to this will this be removed?

Mr. Povall: I believe it's the intention of the owner to remove the boat and take it with him.

Mr. Prager: Also, the sheds have to be removed.

Mr. Povall: He will take down the existing office building and build a new home.

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

Mr. Schmidt: My name is William Schmidt, 123 Rosewood Drive. I don't know if this is going to create 400 more people and traffic in the area. It's getting very crowded.

Mr. Prager: This one lot will not create 400 people and traffic.

Mr. Schmidt: Thank you.

Mr. Macina: Hello, I'm Pasquale Decina, 5 Robert Lane. How big of a house you are proposing to put over there?

Mr. Povall: They don't have the exact dimensions on it but I believe it is 30' x 45'.

Mr. Decina: Is it going to be two stories?

Mr. Povall: Yes, it's going to be two stories.

Mr. Decina: Is it going to be a 2-story colonial?

Mr. Povall: I don't think the architectural has been selected at this time.

Mr. Decina: What about the driveway? You are going to have cars from that driveway coming onto Myers Corners Road.

Mr. Povall: We are going to utilize the same entrance that exists to the west.

Mr. Decina: You think you are going to make a loop the way it is now? To come to this meeting we couldn't come out of Roberts Road. I don't have any problems with the development. You are putting just one house up there and you are tying up Myers Corners.

Mr. Povall: It has an existing use.

Mr. Decina: It has a circular right now and I was wondering if you are doing the same thing?

Mr. Povall: That's not the intention.

Mr. Decina: Are you going to have a 18' driveway?

Mr. Povall: We are going to have a 12' driveway.

Mr. Decina: Are you going to have two or three cars?

Mr. Povall: I cannot answer that.

Mr. Decina: Are you going to do a turnaround for that? I just think it's a bottleneck down there. Myers Corners right now is terrible. Thank you for listening.

Mr. Prager: Thank you.

Ms. Pace: Regina Pace, 53 Myers Corners Road. How far back will this new structure be from Myers Corners Road?

Mr. Povall: We have 18 feet.

Ms. Pace: You are going to move back?

Mr. Povall: We are moving the building back approximately 12 feet from the existing building. There's a front porch which is necessary for the house and that's what the proposed variance is for. So that's 6 feet behind the existing front line.

Ms. Pace: Can you possibly move it back a little more?

Mr. Povall: No.

Ms. Pace: There's quite a depth back there.

Mr. Povall: We need to maintain side yard setbacks.

Ms. Pace: With that other piece of property can't you make side yard setback?

Mr. Povall: Then we have to make the driveway work as well.

Ms. Pace: Don't you have to have so many feet from someone's driveway?

Mr. Povall: We also have an issue with lot width. There's a minimum lot width requirement and the further you push it back you now encroach on that minimum lot width.

Ms. Pace: Thank you.

Mr. Prager: Is there anybody else?

Mr. McCowsky: Sergio McCowsky, 17 Pattie Place. Does this set a precedent for smaller lot sizes?

Mr. Prager: No, there are a number of smaller lots in the area. Is there anyone else?

Mr. Galotti: Motion to close the Public Hearing.

Mr. Travis: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: Would you feel better with a full board in order to vote on it? We only have three members here tonight.

Mr. Povall: Is there any way to do an informal poll?

Mr. Prager: No, we don't do that.

Ms. Pace: One more question, that building is going to be coming down?

Mr. Prager: Yes, it will be coming down.

Mr. McCowsky: There's a rock there. Are you going to be blasting to take that out?

Mr. Povall: I don't believe there will be any blasting. There's an existing foundation there. If we had to do any blasting, there's a code you have to follow with the Town and get permits.

Mr. Prager: I don't like to cut people off but unfortunately now the public hearing is closed.

Mr. Povall: So we can wait until next meeting.

Mr. Prager: I would feel more comfortable. We will move our decision to September 26th.

Appeal No. 17-7626 (Variance)

John & Sharon Fusaro – Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **20 feet** to the side yard property line is required, the applicant can only provide **13.4 feet** to construct an addition, thus requesting a variance of **6.6 feet**.

The property is located at **25 Sucich Place** and is identified as **Tax Grid No. 6157-02-820590** in the Town of Wappinger.

Mr. Galotti: **Motion to open the Public Hearing.**

Mr. Travis: Second the Motion.

Vote: All present voted Aye.

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

Mrs. Ogunti: Yes, they are.

Mr. Prager: Good evening.

Mr. Pelon: Good evening, I'm Paul Pelon the architect for John & Sharon Fusaro. John and Sharon have a growing family and they would like to put an addition on their home. In order to do so they would need a variance. There is an existing deck in the area where the addition is going. This new addition is going to be in line with widest addition to their existing home so we are not making the nonconformance any worse. We are trying to maintain what is already there. The existing condition of the home prevents us from putting it in any other location. The existing house is already at the 20 feet required setback and you really can't do anything on the other side of the property. We don't think that this is a substantial request and we are keeping it in line with the existing home. A 6.6 feet variance in our opinion seems relatively small. The house was built in 1964.

Mr. Prager: We did have a site inspection a couple of Saturdays ago. It looks like it's not going to be closer to the lot next to it and the building is there right now. Is there anyone in the audience who would like to speak for or against this variance?

Mr. Galotti: Motion to close the Public Hearing.
Mr. Travis: Second the Motion.
Vote: All present voted Aye.

Mr. Galotti: Motion to grant the variance. I don't believe the benefit can be achieved by any other feasible means. The change will not create an undesirable effect to the neighborhood. The variance is substantial however it will not create any adverse environmental or physical effects to the neighborhood.

Mr. Travis: Second the Motion.
Roll Call Vote: Mr. Galotti YES
Mr. Travis YES
Mr. Prager YES

Appeal No. 17-7627 (Variance)

Donald & Mary Langley – Seeking an area variance Section 240-30B of the District Regulations in an R40 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 **24' x 30' (720 sf.)**, thus requesting a variance of **120 square feet.**

The property is located at **118 Rosewood Drive** and is identified as **Tax Grid No. 6256-02-519980** in the Town of Wappinger.

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

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

Mrs. Ogunti: Yes, they are.

Mr. Prager: Good evening.

Mr. Bockner: Good evening, Derek Bockner with Remodeling Concepts.

Mr. Langley: Good evening, I'm Donald Langley, 118 Rosewood Drive.

Mr. Prager: Okay. Just give us a little information on what you are asking for.

Mr. Langley: We would like to build a two car detached garage on our property. The main reason we are building it is we want to have the cars inside when it snows. We are asking for this size because I would like to do work on my cars inside. It will not be for commercial reasons and it's going to be single story.

Ms. Lucci: Monique Lucci, 123 Rosewood Drive. I want to know if the structure will be right next to the house.

Mr. Langley: It will be right next to the driveway.

Ms. Lucci: So it will be closer to the road?

Mr. Prager: No, come up for a second to see where it will be.

Discussion continues on location of the garage.

Ms. Lucci: So it's going to be in the back.

Mr. Prager: Is there anyone else?

Mr. Travis: What kind of mechanical work will you be doing on the vehicles?

Mr. Langley: Just oil changes, filters and I also have a mower and other equipment. The last garage that I had was the same dimensions, 24' x 30' so I was able to keep my tools in there.

Mr. Prager: So no commercial is going on in there.

Mr. Langley: Correct.

Mr. Galotti: Motion to close the Public Hearing.

Mr. Travis: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: **Motion to grant the variance. I don't believe the benefit can be achieved by any other feasible means. It certainly will not create an undesirable effect to the neighborhood. The request is substantial. The request will not create any adverse physical or environmental effects to the neighborhood.**

Mr. Travis: Second the Motion.

Roll Call Vote:	Mr. Galotti	YES
	Mr. Travis	YES
	Mr. Prager	YES

Discussion:

Appeal No. 17-7629 (Variance)

Grace Bible Church – Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **75 feet** is required to the front yard property line on a State or County road, the applicant can only provide **39.4 feet** for the construction of a 924 sf. building expansion and a 720 sf. portico to the existing church, thus requesting a variance **35.6 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 **24' x 30' (720 sf.)**, thus requesting a variance of **120 square feet**.

-Where **no more than two accessory structures shall be permitted in any 1-Family Residence District, the applicant is proposing 4 accessory structures to remain. There are 3 existing sheds and with the addition of a new 720 sf. garage, the total will be 4 accessory structures on one parcel.**

The property is located at **158 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-393242** in the Town of Wappinger.

Mr. Prager: Good evening.

Ms. Patti: Good evening, Nicole Patti representing Grace Bible Church. We are here this evening to request the front yard setback. The church is looking to expand by adding a 924 sf. building and a 720 sf. portico to the front of the building. We are currently before the Planning Board for a site plan amendment approval as well. Based on the current orientation of the building, the front and rear of the building would be the only two options for the proposed expansions. The rear would have

patrons enter through the basement level. There's also a proposed future expansion in the rear. We are looking to add these two expansions to the front of the building and by doing that we now reduced our required setback on the county road in the R20 zoning district. There's a 75 feet requirement and with the proposed expansion, we can now provide 39.4 feet so we are requesting a variance of 35.6 feet.

Mr. Prager: Is the portico is the reason you are seeking the variance?

Ms. Patti: Yes.

Mr. Prager: I will assume the portico is for letting people out of their car and going into the church and they park the car.

Ms. Patti: Yes.

Mrs. Roberti: I just noticed you are also proposing a garage by the house.

Ms. Patti: Yes.

Mrs. Roberti: That's going to require a variance as well because no accessory structure can be over 600 sf.

Ms. Patti: I will speak to the applicant. We might be able to reduce the size of the garage.

Mrs. Roberti: I'm bringing it up tonight before you publish in the paper and notify everyone. Now would be the time to put it off to give you time to meet with your client.

Mr. Prager: I was wondering when you were planning on building that garage.

Ms. Patti: It is part of Phase 1 along with the building expansion, portico, ballfield as well as adding some fencing around the barn, children's play area with a chain link fence.

Mr. Prager: So all we are going to be talking about is the portico and the expansion and nothing to do with the garage.

- Ms. Patti: Correct.
- Mrs. Roberti: I just want to point out that if you do plan on doing that garage you are going to have to come back again. So you can either do it ones or you are doing it separate.
- Ms. Patti: Yes, I understand.
- Mrs. Roberti: Okay, as long as that's clear.
- Mr. Galotti: If the portico wasn't there would you still need the variance?
- Mr. Prager: It looks like it is 30 feet out towards the road.
- Ms. Patti: It is 39.4 feet from the portico to the edge of the property line.
- Mr. Prager: We would like to do a site inspection on Saturday, September 23rd around 9:00am. We would like a marking to show where it's going to be.
- Mr. Galotti: Mark where the portico will be.
- Mr. Travis: Did you say there's going to be asphalt in front of it?
- Ms. Patti: There is existing asphalt.
- Mr. Travis: Will it be added to it or not?
- Ms. Patti: It's going to be expanded by about 7 feet to accommodate portico and the building expansion. We are going to push the pavement out to accommodate the handicap parking. It's not going to impact any of the trees. All the trees are going to remain.
- Mr. Travis: There's no issue with the parking area?
- Mrs. Roberti: The Planning Board will go over the parking.
- Mr. Prager: Will you be there that Saturday or someone will be there?

- Ms. Patti: Someone from our office will be there.
- Mr. Prager: I would like to schedule the Public Hearing for September 26th.
- Ms. Patti: I will speak to the applicant tomorrow about the shed to see if we can reduce the size.
- Mrs. Roberti: If the pastor wants to keep it that size do you have a problem with us adding that to the public hearing notice and changing the agenda?
- Mr. Prager: That's fine and it will save you some money.
- Mrs. Roberti: You will need to let us know by noon tomorrow.
- Ms. Patti: Okay. Thank you.

Appeal No. 17-7628 (Variance)

Guardian Self-Storage Units – Seeking an area variance Section 240-37 of the District Regulations in an HB Zoning District.

-Where **75 feet** is required to the front yard property line on State or County road, the applicant can only provide **18 feet** to allow for two additions to an existing building, thus requesting a variance of **57 feet**.

-Where **25 percent** of a building coverage is required, the applicant can provide **36.7 percent** to combine two lots with additions to an existing building, thus requesting a variance of **11.7 percent**.

The property is located at **1084 Route 9** and is identified as **Tax Grid No. 6156-02-753949** in the Town of Wappinger.

- Present: Frank Redl – Project Manager
- Mr. Prager: Good evening.
- Mr. Redl: Good evening gentlemen. I'm Frank Redl the Project Manager for Herb Redl Properties. I'm here on behalf of Guardian Self-Storage. Also with me tonight is Kelly Redl Hardisty a managing member of Guardian Self-Storage. We are happy to be here with you tonight to discuss with you our plans for a property on Route 9. I think many of you know where the old

Meineke body shop used to be. Guardian Self-Storage owns that property and they also own the existing self-storage next door. Right now they are two separate grid numbers. Meineke lease is over and they closed up. At first we were contemplating putting another body shop in there but then Kelly thought it would be better in the long run to convert this building to another self-storage building. We've been before the Planning Board to discuss our plans and it was favorably looked upon but in order to move forward the two variances are required. One of the things the Planning Board is going to require is that both of these parcels be combined. So we will need a front yard setback and building coverage.

Mr. Redl continues his overview of the project.

Mr. Galotti: So you are done with Meineke and will be building the self-storage there.

Mr. Redl: Correct. We have issues with the Planning Board. Our intent is to do a brand new façade and landscaping. Kelly does a great job with keeping all of her Guardians looking sharp. She has two in the town and she intends to do that at this location as well.

Mrs. Roberti: Just want to point out that if you look at the zoning data chart on the map, the original guardian without this building already exceeded it to 34.9 feet so the difference is not major. The building is only 22.8 feet from the property line existing.

Mr. Redl: With the board's permission Kelly is going to be away for two weeks so would we be able to schedule the public hearing for the first meeting in October?

Mr. Prager: We will schedule the Public Hearing for October 10th.

Mr. Redl: Thank you.

Appeal No. 17-7630 (Variance)

James & Pamela Siegel – Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **6 feet** to the side yard property line is required, the applicant can provide **3 feet** for an existing 8' x 10' shed, thus requesting a variance of **3 feet**.

-Where **10 feet** to the rear yard property line is required, the applicant can provide **3 feet** for an existing 8' x 10' shed, thus requesting a variance of **7 feet**.

The property is located at **16 Barbara Lane** and is identified as **Tax Grid No. 6156-02-546846** in the Town of Wappinger.

Mr. Prager: Good evening.

Mr. Siegel: My name is James Siegel and this is my wife, Pamela. We are applying for a variance for 3 and 7 feet for an existing shed.

Mr. Travis: How old is the shed?

Mr. Siegel: The shed has been there for more than 30 years.

Mrs. Siegel: It's a nice looking shed. It's the same color as the house and looks like a small barn.

Mr. Prager: We will have a site inspection because I want to see the property. What's on the back and sides of the property?

Mr. Siegel: There's a stockade fence on one side and split rail fence on the other side. The shed has been there for over 30 years.

Mr. Prager: We will have the public hearing for the next meeting.

Mr. Siegel: That will be a problem because we have an emergency in Florida.

Mr. Prager: Do you want to do it the following meeting?

Mr. Siegel: Maybe the end of October.

Mrs. Roberti: Why don't you move it to maybe the first week in November then you can call us the third week of October before we mail anything out to you or to the paper and we can still adjust it.

Mr. Siegel: So we have to do the mailing just prior to the meeting?

Mrs. Roberti: You have to mail them two weeks prior to the meeting.

Mr. Prager: So we will schedule the public hearing for November 14th. Do you want the paperwork now or when you get back?

Mrs. Ogunti: I have to adjust the paperwork with the new date.

Mr. Siegel: Are you guys going to do a site visit?

Mr. Prager: Yes, we are and obviously you are not going to be there.

Mr. Siegel: So you are going to look at the outside of the building?

Mr. Prager: I just want to see what's next to it.

Mrs. Ogunti: So you guys are going to do the site inspection on September 23rd?

Mr. Prager: Yes, we are doing just those two inspections.

Mrs. Ogunti: Okay, I will send a reminder for those members not present tonight.

Mr. Galotti: **Motion to adjourn.**
Mr. Travis: Second the Motion.
Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 7:50 pm

Bea Ogunti
Secretary
Zoning Board of Appeals