

MINUTES

**Town of Wappinger
Zoning Board of Appeals
November 14, 2017
Time: 7:00PM**

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

Summarized Minutes

SUMMARY

Discussion:

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| Robert Fulton | Public Hearing on November 28, 2017 Site visit on November 25, 2017 |
| Eileen Stinson | Public Hearing on November 28, 2017 Site visit on November 25, 2017 |
| Matthew Doran | Public Hearing on November 28, 2017 Site visit on November 25, 2017 |
| Richard & Nellie Briggs | Public Hearing on November 28, 2017 Site visit on November 25, 2017 |

New & Old Business:

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| Old Hopewell Commons | Variance granted |
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Mr. Johnston: Motion to accept the Minutes from October 24, 2017.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Discussion:

Appeal No. 17-7632 (Variance)

Robert Fulton: 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 **28' x 32' (896 sf.)**, thus requesting a variance of **296 square feet.**

The property is located at **69 Ketchamtown Road** and is identified as **Tax Grid No. 6157-03-198403** in the Town of Wappinger.

Mr. Prager: Good evening. Please come up and tell us your name and a little bit of what you need and why you need it.

Mr. Fulton: Robert Fulton, 69 Ketchamtown Road. I plan on putting a two car garage on the property so you can drive in and open the doors on both sides and storage. I plan to move the washer and dryer to the first floor where the garage presently is. We are getting older and we don't like going down those stairs.

Mr. Prager: Is it on one floor?

Mr. Fulton: Yes, it's a range.

Mr. Prager: Do you have a garage now?

Mr. Fulton: Yes.

Mr. Prager: What are you going to do with that?

Mr. Fulton: That's where the washer and dryer will be. Everything will get moved upstairs from the basement.

Mr. Galotti: Is the current garage attached to the house?

Mrs. Fulton: Yes.

Mr. Prager: How long have you lived t there?

Mr. Fulton: Since I built the house in 1983.

Mr. Travis: You have just about 6 acres?

Mr. Fulton: Yes.

Mr. Johnston: How much is usable acreage?

Mr. Fulton: Out of 5.89 acres, probably 3.5 acres. There's a small stream that goes in the back of it and it floods.

Mr. Johnston: Is there a reason why you need the garage that big?

Mr. Fulton: I need it for storage and to put two cars.

Mr. Prager: We will set a site inspection to take a look at the property. Can you guys do it this Saturday?

Mr. Johnston: This Saturday does not work for me.

Mr. Travis: Saturday might not work for me either.

Mr. Prager: How does the following weekend work for you guys?

Mr. Casella: That would work for me.

Mr. Prager: We will schedule the site inspection on Saturday, November 25th between 9:00am and 10:00 am. I would suggest that you put some sticks to mark where the garage is going.

Mr. Fulton: It's already there. The original is there and I have it marked in yellow.

Mr. Prager: We will schedule the Public Hearing for November 28th.

Mr. Fulton: Thank you.

Appeal No. 17-7633 (Variance)

Eileen Stinson: – 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 **12.3 feet** for a **9' x 11'** garage addition, thus requesting a variance of **12.7 feet**.

-Where **10 feet** to the rear yard property line is required, the applicant can only provide **0.3 feet** for an existing shed, thus requesting a variance of **9.7 feet**.

The property is located at **14 Cameli Drive** and is identified as **Tax Grid No. 6157-01-434794** in the Town of Wappinger.

Mr. Prager: Hi there, again please state your name for the record.

Mr. Stinson: Tom Stinson.

Mrs. Roberti: In the agenda it should say garage addition. The house was built with the front part of the garage and I believe they extended the rear of it and this caused the violation.

Mrs. Roberti gives an overview of the project.

Mr. Travis: Was this done with a permit?

Mrs. Roberti: No, the original garage came with the house.

Mr. Travis: So that was done without a building permit.

Mrs. Roberti: Correct.

Mr. Travis: When was that added?

Mr. Stinson: In the 70s.

Mrs. Roberti: I just wanted you to get a clear picture. This one is being removed and the other one has a shed amnesty.

Mr. Johnston: Does the shed amnesty allow for that minimum setback?

Mrs. Roberti: No, with the shed amnesty you still had to meet the zoning requirement. When people came in and brought an affidavit and because of the volume that was coming in, no one went to check it out with the affidavit that was notarized. It was signed that the shed was 150 sf. and that it was located to the side but on the survey it is not.

Mr. Johnston: It is not even close.

Mrs. Roberti: The house is in trust and he is selling it so we have to do something with it.

Mr. Prager: We will have a site inspection on Saturday, November 25th between 9:00am and 10:00am.

- Mr. Casella: Is your property marked out on the side? Is there a fence or something there?
- Mr. Stinson: No, the tree line is the marking.
- Mr. Prager: Let's make sure.
- Mr. Stinson: My brother lives next door and I'm sure he's well aware where the property was surveyed the last time.
- Mr. Prager: I just want to make sure you don't have more problems years on.
- Mr. Stinson: I think the problems have been consolidated.
- Mrs. Roberti: The survey should help you.
- Mr. Johnston: How old is that shed that's there?
- Mr. Stinson: The shed that's there has been there for 30 years.
- Mrs. Roberti: It looks brand new.
- Mr. Johnston: What will it be used for?
- Mr. Stinson: It could be a shed for your lawn tools.
- Mr. Prager: Do you know what size it is?
- Mr. Stinson: I would have to say it's a 10' x 10'.
- Mr. Prager: We will see it when we get out there.
- Mrs. Roberti: The shed is 8' x 16'.
- Mr. Prager: We will stop by on Saturday, November 25th between 9:00am – 10:00am. There will be a Public Hearing on November 28th.

Appeal No. 16-7605 (Variance)

Matthew Doran: Seeking an area variance Section 240-30B of the District Regulations in an R20 Zoning District.

-Where **25 feet** to the side yard property line is required, the applicant can only provide **4 feet** for a **24' x 30'** carport, thus requesting a variance of **21 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.)** carport, thus requesting a variance of **120 square feet.** The property is located at **19 MacFarlane Road** and is identified as **Tax Grid No. 6157-04-684305** in the Town of Wappinger.

Mr. Prager: Hi there, please state your name for the record.

Ms. Garcia: Hi there, my name is Adrienne Garcia. I do reside with my fiancée Mathew Doran at 19 MacFarland Road. I'm here and he sends his apologies because he's working right now. It's busy season for chimney business. We are seeking this permit mostly for me. I'm a Type 2 diabetic and I can't really be in the sun too much. We have a service truck and we need to fit it in that carport as well as my car and another service vehicle. I don't think it is 30 feet high. I think it is less and it should be in the measurement. Then again I can't get up the ladder to tell you for sure. Both my neighbors on the side do not have a problem and they don't see anything wrong. We are not breaking the law. I'm from Westchester County and I guess their rules are different.

Ms. Garcia continues her overview of the project.

Mr. Prager: Mrs. Roberti how did this get started?

Mrs. Roberti: When you go out there it is very large and hard to miss driving by. This began a long time ago and I have been sending Mr. Doran Orders of Remedies and he finally came in 2016. He never came back after he took the variance application. It was only under threat of a summons that he came in recently.

Mr. Johnston: Since November of 2015?

Mrs. Roberti: That's probably a typo.

Ms. Garcia: That's when he bought it. We want to fix this and do that right thing. It's my fault and I apologies.

Mr. Travis: When was this put in?

Mrs. Roberti: I guess in 2015.

Mr. Travis: Did the building inspector examine? This is within the fire separation distance from accessory structures to the property line.

Mrs. Roberti: It has multiple issues.

Mr. Travis: Is it metal or wood structure?

Mrs. Roberti: It is metal and it is 24' x 30'. It is 4 feet off the property line and it abuts your house. Did I get that correctly? How much room from your house?

Ms. Garcia: No, it's 3" from the house.

Mr. Travis: It has to be something that has to be examined. There are some exceptions to the 5 feet distance and there's not and I don't know that it has to do with fire separation.

Mrs. Roberti: To be honest with you Richie, it hasn't even gotten to the building inspector because when a violation like this hits and they come in and open a building permit and I deny it goes straight to Bea for a variance.

Mr. Travis: I am reluctant to go with something that violates the uniform code so I will have to research that aspect of it and maybe speak with Brian about it.

Mrs. Roberti: I will speak to Brian tomorrow.

Mr. Johnston: You are going to keep vehicles under there, correct?

Ms. Garcia: Yes.

Mr. Johnston: So that really doesn't have anything to do with sunlight?

Ms. Garcia: That's why I got it because there wasn't anything there to begin with. I have to park the vehicles somewhere.

Mr. Johnston: Do you have to park the cars there?

Ms. Garcia: Yes, to get access to my home.

Mr. Johnston: You say you have diabetes and you couldn't be in the sunlight?

Ms. Garcia: Not for too long.

Mr. Johnston: What does that have to do with parking your cars?

Ms. Garcia: Before we put the carport there was nothing there.

- Mr. Johnston: You have a garage?
- Ms. Garcia: Yes, it's underneath the rooms.
- Discussion continues.
- Mr. Casella: So you have the existing garage and the carport?
- Ms. Garcia: We have the garage there but I put the carport there.
- Mr. Casella: What do you put in the garage today?
- Ms. Garcia: I have things in the garage. I don't see what I personally have in my home has to do with this.
- Mr. Casella: I'm just wondering why you need the extra space because it sounds like you are using your garage as storage and you are building a carport. Is that what you are telling me?
- Ms. Garcia: I have things in the garage and the way they build the cars now you can't fit cars in the garage. My fiancée purchased this house about 30 years ago so if you measure it there's not that much room in the garage to fit two cars.
- Mr. Casella: I think a site visit is required on this one. A site visit is definitely required on this one.
- Mr. Prager: We will do a site inspection on Saturday, November 25th between 9:00am and 10:00am. We will schedule the Public Hearing for November 28th.

Appeal No. 17-7634 (Variance)

Richard & Nellie Briggs: – Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **41 feet** for a **4'8" x 9'5"** addition, thus requesting a variance of **9 feet**.

-Where **75 feet** to the front yard property line is required, the applicant can only provide **34 feet** for an addition, thus requesting a variance of **41 feet**.

The property is located at **113 Osborne Hill Road** and is identified as **Tax Grid No. 6156-02-581758** in the Town of Wappinger.

- Mr. Prager: Good evening. Please come up and state your name for the record and tell us what you need and why you need it.
- Ms. Briggs: Nellie Briggs, 113 Osborne Hill Road.

Mr. Prager: I see it's an odd shaped lot.

Ms. Briggs: Yes.

Mr. Prager: How much property do you have here?

Ms. Briggs: Less than a half acres and it all depends on where you look. I think it is .47 acres. We mainly don't have a front and back yard.

Mr. Prager: Where is the addition on the garage?

Ms. Briggs: It's by the driveway.

Discussion continues.

Mr. Johnston: How long have you owned the house?

Ms. Briggs: Since 1979.

Mr. Johnston: You haven't changed the footprint of the front porch?

Ms. Briggs: The front porch is the same but we did do an addition in the back and we had to get a variance for that also.

Mr. Prager: We will have a site inspection on Saturday, November 25th and the Public Hearing on November 28th.

New & Old Business:

Appeal No. 17-7615 (Variance)

Old Hopewell Commons: Seeking an area variance Section 240-37 of the District Regulations in an HB Zoning District.

-Where a minimum of **2 acres** is required in an HB Zoning District, the applicant can only provide **0.74 acres** for the realignment of Sgt. Palmateer Way and Old Hopewell Road, thus requesting a variance of **1.26 acres**.

The property is located at the corner of **Sgt. Palmateer Way and Old Hopewell Road** and is identified as **Tax Grid No. 6157-02-542585** in the Town of Wappinger.

Present: Mark Day – Engineer

Mr. Prager: I believe this was a motion to approve and it rescinded at an earlier meeting. I believe the Planning Board approved the Negative Declaration so we have to open the Public Hearing

and then close it then make a motion to either approve or deny it.

Mrs. Ogunti: Howie, I just want to apologize because you and I spoke to see if Mark should attend this meeting and I forgot to reach out to Mark. We left the office suddenly due to plumbing problems.

Mr. Prager: I tried to save you the trip.

Mrs. Ogunti: So sorry Mark. I owe you. I owe Mr. Segreti.

Mr. Prager: You are always welcomed to come. Could I have a motion to open the Public Hearing?

Mr. Casella: Motion to open the Public Hearing.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: Again, as I said the Negative Declaration was approved by the Planning Board.

Mr. Casella: Motion to close the Public Hearing.

Mr. Johnston: 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 does not create any undesirable effects to the properties nearby. The request is substantial however it will not create any adverse effects to the character of the neighborhood.

Mr. Casella: Second the Motion.

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| Roll Call Vote: | Mr. Casella | YES |
| | Mr. Galotti | YES |
| | Mr. Johnston | YES |
| | Mr. Travis | YES |
| | Mr. Prager | YES |

Mr. Travis: I just want to make a note for the record that I had a NO vote the last time but after consideration, I'm voting YES this time. I want the record to reflect that I am aware of my previous vote.

Mr. Johnston:
Mr. Galotti:
Vote:

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

Respectfully Submitted,

Adjourned: 7:35 pm

Bea Ogunti
Secretary
Zoning Board of Appeals