

MINUTES

**Town of Wappinger
Zoning Board of Appeals
November 28, 2017
Time: 7:00PM**

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

Summarized Minutes

Members:

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

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Robert Fulton	Applicant withdrew variance application
Eileen Stinson	Variance No. 1 – granted Variance No. 2 – denied
Matthew Doran	Public Hearing rescheduled to December 12, 2017
Richard & Nellie Briggs	Variance granted

Discussion:

Virginia Wentink	Public Hearing on December 17, 2017
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Mr. Casella: **Motion to accept the Minutes from November 14, 2017.**
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

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: Bea, are all of the mailings in order?

Mrs. Ogunti: Yes, they are.

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

Mr. Prager: Good evening. Come on up and state your name for the record.

Mr. Fulton: Robert Fulton.

Mrs. Fulton: Joanne Fulton.

Mr. Prager: Please tell us a little bit about what you need and why you need it in case someone in the audience is interested in what you are doing.

Mr. Fulton: I would like to build a 28' x 32' garage. Initially I said that it would be detached and I don't know if it makes a difference whether the 600 sf. still apply if I attached it to the house. I don't know if that changes or not.

- Mr. Prager: If you attach it to the house I believe you will not need a variance. Mrs. Roberti, correct me if I'm wrong.
- Mrs. Roberti: Correct. If it is attached to the house you will not need a variance because it becomes the house square footage.
- Mr. Fulton: My plans haven't changed as far as the structure. I would attach it at the end of the house where the garage is. There will be no second floor and there will be engineered trusses.
- Mr. Prager: Are you changing your mind and definitely doing that?
- Mr. Fulton: I will definitely attach the garage to the house. My concern now is if I attach it, do I have to attach it to the existing foundation?
- Mr. Fulton gives an overview of his proposal to now attach the garage to his house.
- Mrs. Roberti: Are you talking about two diamond shapes like a house and it would go around the corner?
- Mr. Fulton: I have a roof that comes down and it has a top link with three windows over it with a header. I will take where the block is on the corner and go 6" from the side of the house where the 28' will start and go 32' back from there.
- Discussion continues.
- Mr. Prager: With that said you want to withdraw your variance?
- Mr. Casella: If you make it more than 600 sf. then you can't withdraw but if it is 600 sf. then you can withdraw.
- Mrs. Roberti: If the garage is attached to the house it is no longer an accessory structure therefore it is part of the main home you don't need a variance.
- Mr. Casella: Are you going to modify your plans so it is now attached to the house?
- Mr. Fulton: The plans don't need to be modified except for those 4 or 5 trusses that sit on the existing top link of the house.

Mr. Johnston: So you are withdrawing the request for a variance?

Mr. Fulton: I don't need it so I will withdraw.

Mr. Prager: You don't need it as long as you do it that way.

Mrs. Roberti: Mr. Fulton, you just need to come to the building department in the next few days and amend your permit to show it as an attached instead of a freestanding garage.

Mr. Fulton: I will also need to change the plot plan.

Mrs. Roberti: Yes, and you will need to change the building plan.

Mr. Fulton: The building plan won't change.

Mrs. Roberti: It will change in the sense of the way it is being attached.

Mr. Prager: Since Mr. Fulton has now changed his plans to attach the accessory structure to the house he will no longer need a variance.

Mr. Johnston: It will be on the record that he withdrew his variance.

Mr. Prager: That should be good enough?

Mrs. Roberti: Yes, it will be in the Minutes.

Mrs. Ogunti: Don't we have to close it?

Mrs. Roberti: It voids the Public Hearing.

Mr. Prager: Okay. Have a great night.

Mr. Casella: We opened it so don't we need to close it?

Mrs. Roberti: He withdrew.

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

Mrs. Ogunti: Yes, they are.

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

Mr. Casella: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: Good evening. Please state your name for the record.

Mr. Stinson: Tom Stinson.

Mr. Prager: For the record, please tell us what you need and why you need it in case someone in the audience is interested in what you are doing.

Mr. Stinson: I need a variance for an existing shed and a variance for the extension on the garage.

Mr. Prager: We did have a site inspection last Saturday and we did take a look around. The addition is the same footprint as the building and the shed is right next to your property line. Are there any questions?

Mr. Galotti: All of the structures are existing and the shed obviously has been there for some time.

Mr. Johnston: Is this the shed that had the amnesty in 2004?

Mr. Stinson: Yes.

Mr. Johnston: As part of that application an affidavit had to be filed that it was within the setback. Are you aware of that?

Mr. Stinson: Aware of what?

Mr. Johnston: Are you aware of what the setback was?

Mr. Stinson: No, my father who passed away would have known that.

Mr. Johnston: It is a lot closer than 6 feet.

Mr. Stinson: It could be right on the line.

Mr. Johnston: Because it is that close to the line and it is such a huge variance, is there a possibility of moving that shed?

Mr. Stinson: We can move it straight to the Town dump and move on to the more important variances.

Mr. Prager: 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. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Johnston: Variance No. 1: Motion to grant the variance. It is not unreasonable and it will not change the character of the neighborhood. There is no environmental impact to any nearby properties.

Mr. Casella: I second the Motion. The structure has been there for more than 35 years.

Roll Call Vote:

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

Mr. Galotti: Variance No. 2: Motion to deny the variance. The benefit can be achieved by other means and it is somewhat of a detriment to the neighborhood. It is quite substantial.

Mr. Casella: I second the Motion as long as the shed is removed.

Roll Call Vote:

Mr. Casella	YES to deny the variance
Mr. Galotti	YES to deny to the variance
Mr. Johnston	YES to deny the variance
Mr. Prager	YES to deny the variance

Mr. Stinson: How long do I have to remove the shed?

Mr. Prager: You have 30 days to remove it.

Mr. Stinson: What's the exit strategy?

Mrs. Roberti: When the shed is removed, call the office and we will come out and see that it's gone and we will void the shed amnesty and you are good to go.

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: Bea, are all of the mailings in order?

Mrs. Ogunti: No, they are not.

Mr. Prager: Could you explain a little bit about why they are not?

Mrs. Ogunti: The applicant never mailed the public hearing notices out. She did not have the opportunity to mail them out.

Mr. Prager: Okay, so you did not have the opportunity to mail them?

Ms. Garcia: No, I did not. As I said before this is our busy season and we got caught up working 15-17 hours a day and before I knew it the day was here. I really didn't have the time so I am here to explain. My fiancée is in Westchester working right now that's why I'm here.

Mr. Prager: You understand that these had to be mailed out therefore we cannot do this public hearing.

Ms. Garcia: I understand that and it's not that we didn't want to, we just didn't have the time so I came to apologize and requesting that I have a second chance. I will make sure with due diligence that things will be mailed out.

Mr. Prager: Mrs. Roberti and Mrs. Ogunti, does this have to be reposted in the newspaper?

- Mrs. Roberti: Yes, Bea will have to republish which means you will have to stop in her office to get a new public notice with new dates for December 12th. You need to be aware that since this error was unfortunately on your part you will have to pay for the legal notice that was published for tonight as well as the one for December 12th.
- Ms. Garcia: The lady at the newspaper contacted me today and the message was left today at 4:00pm.
- Mrs. Roberti: You will need to pay for that one and you will need to pay for the new one. You will need to bring both affidavits to Bea before December 12th with the white certified copies from the post office and the green cards when they come in. You and Matthew will have to find the time this week to come and see Bea for the new public hearing notice.
- Ms. Garcia: Absolutely.
- Mrs. Ogunti: It is imperative that you do it this week because you need a 10 day turnaround for your public hearing.
- Ms. Garcia: Okay, that's not a problem and I thank you for your understanding.
- Mr. Prager: That's fine. We will see you on December 12th.

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: Bea, are all of the mailings in order?
- Mrs. Ogunti: Yes, they are.
- Mr. Prager: Good evening. Please come up and state your name for the record.
- Ms. Briggs: Nellie Briggs.

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

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: We did have a site inspection the other day as you know. So tell us a little bit about what you need and why you need it in case someone in the audience is interested.

Ms. Briggs: We just want to take out the existing side door and make a small room.

Mr. Prager: Looks like it was just that little bit you showed from one window to the other window and it is going to have a little roof on it. You are going to take the door that is there now out and have an outside door. It's just for the weather as an entrance way, is that right?

Ms. Briggs: Correct.

Mr. Prager: That little addition is actually further back than the front of your building is.

Ms. Briggs: Correct.

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

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

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Casella: **Motion to grant both of the variances. Whether the benefit can be achieved by any other means, not really and it is not an undesirable change. It is actually an improvement and it is not going to have an adverse, physical or environment effect to any nearby properties. It is self-created and an improvement to the neighborhood.**

Mr. Johnston: Second the Motion.

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

Discussion:**Appeal No. 17-7635 (Variance)**

Virginia Wentink: – Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **25 feet** to the rear yard property line is required, the applicant can only provide **19 feet** for a **12' x 26'** addition to be used as master bedroom and bathroom, thus requesting a variance of **6 feet**.

The property is located at **6 Fieldstone Boulevard** and is identified as **Tax Grid No. 6257-10-256670** in the Town of Wappinger.

Mr. Prager: Hi there. What we do at this meeting is you tell us what you need and if we need additional information you will get it to us before the next meeting. So please state your name for the record and tell us a little bit about what you need and why you need it.

Ms. Wentink: Virginia Wentink. I have a closed in porch that I would like to make into a master bedroom and bathroom. My niece lives up the street and my sister-in-law and I are not getting any younger. She moved upstairs and I would like to move her downstairs without the stairs.

Mr. Prager: You are saying that this 12' x 26' is what?

Ms. Wentink: It's a closed in porch.

Mrs. Roberti: When this deck/porch was put on the applicant said that they had 50 feet to the rear which it did not. Unfortunately, at the time we didn't have GIS and our office took the applicant's word for it. Now we require surveys. That didn't have a CO which was in error and now she's looking to make it legal.

Mr. Johnston: Is the footprint going to be any bigger than the current porch?

Ms. Wentink: It is going to be 4 feet closer to the property line.

Mr. Casella: It is going to be longer.

Ms. Wentink: No farther to the back just the width of the building.

Mr. Prager: We will do a site inspection on Saturday around 9:00am.

Ms. Wentink: Do you need me there?

Mr. Casella: No, but if you could mark it.

Ms. Wentink: Not a problem.

Mr. Prager: Just the part that is bigger than what it is going to be.

Ms. Wentink: These are double houses and it will be 4 feet closer to the next door neighbor.

Mr. Prager: I would like to set the public hearing for December 12th.

New & Old Business:

Dutchess County Lead Agency

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

Respectfully Submitted,

Adjourned: 7:40 pm

Bea Ogunti
Secretary
Zoning Board of Appeals