

MINUTES

**Town of Wappinger
Zoning Board of Appeals
October 10, 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	Absent
Mr. Galotti	Member	Present
Mr. Travis	Member	Present

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Adjourned Public Hearing:

James & Pamela Siegel	Variance granted
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Public Hearing:

Guardian Self-Storage Units	Variance granted
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Discussion:

Luis & Carmen Jimenez	Public Hearing on October 24, 2017 Site Visit on October 14, 2017
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Mr. Casella: **Motion to acceptance the Minutes from September 26, 2017.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Adjourned Public Hearing:

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.

Present: Frank Cannizzaro – Representative for the Siegels

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

Mr. Prager: Hi there. We had some questions about moving the shed and we got documentation on that right here. The first question we had was how long the shed had been there? We were told by Mr. Siegel that it had been there since 1995 and was built by him using bridge timber and it is stick built. The shed is on gravel and on solid foundation and he anticipates that the shed will last another 40 years. With regard to the debris, he will remove to create additional access around the shed. There is currently access but the leaves tend to just get blown around the shed. Hopefully he will keep it free from that.

Mr. Cannizzaro: I will make sure he knows that.

Mr. Prager: Is there anything you have to say?

Mr. Cannizzaro: No, sir.

Mr. Prager: Barbara, I believe you have something to say?

Mrs. Roberti: This afternoon a potential buyer came in to look at the building file and it appears that the garage has been converted to a bedroom and a bathroom without a permit. While this doesn't have any bearing on whether or not they get the variance on the shed that has to be taken care of as soon as possible if they want a clean CO.

Mr. Casella: We just wanted to bring that to your attention so you knew that. Again, as Barbara said it is separate from the actual variance we are going to be speaking to tonight.

Mr. Travis: Barbara, is this in an R20 zone?

Mrs. Roberti: It is in an R20 but we have a bunch of subdivisions in the Town that were given setback bonuses to lower the district standards.

Mr. Travis: I just want to make sure the distances for the variances are correct because there are different setbacks for R15 and R20 so I just want to make sure they are asking for the right variances.

Mr. Galotti: Did the owner file for amnesty?

Mrs. Roberti: Amnesty went out to every resident in the Town in 2002 and 2003. They were given 6 months to bring in pictures and setbacks and no questions asked. Where a lot of people did, some didn't so they don't get retro status on amnesty.

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

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

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Travis: **Motion to grant the variance. I don't believe the benefit can be achieved by any other feasible means. Moving the shed is out of the question the way it is constructed. I don't believe it will create any physical change to the neighborhood. It actually fits the character of the neighborhood. You could argue whether it's substantial or not but it is a**

advantageous for guardian and also to make things look nice in the neighborhood if we modified this building to a self-storage building. We cannot use the building in its present size because when we analyzed the amount of costs we have to put into it for self-storage given the size it doesn't make sense from a business standpoint. It's going to be enlarged to a 5,000 sf. building. By enlarging it the setback and the building coverage are going to need variance. The Planning Board is going to require us to combine both of these parcels into one tax parcel so we are taking both parcels into consideration. The building as it sits is already nonconforming for front yard setback. Our variance application is seeking to increase the nonconformity by 4 feet. Right now the building is 22.8 feet to the property line and we can provide 18 feet after it is expanded. The building coverage is even a smaller percentage.

Mr. Redl continues his overview of the project.

Mr. Prager:

What's the hedge mark on the side of it?

Mr. Redl:

The hedge marks are the expanded parts of the building and the existing is inside without any hedge marks. We really cannot achieve it by any other means and we can't move the building back because there is an existing building back there.

Mr. Galotti:

Could you run by me again the 4 feet variance for the existing nonconformity?

Mr. Redl:

Right now the Meineke building as it sits is 22 feet off the property line. It is going to come closer to the road when we add on to it and it will be 14 feet off the road so that's the 4 feet.

Mr. Travis:

With the climate control there to make it economically feasible you are increasing the size.

Mr. Redl:

When you do temperature control it increases the costs and there isn't any existing temperature control on the site now so we want to get one.

Mr. Prager:

Is there anyone in the audience who would like to speak for or against this project?

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

Mr. Casella: **Motion to declare a Negative Declaration.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Mr. Casella: **Motion to grant the variance. The benefit cannot be achieved by any other means because he is actually making an improvement to the other property. It is not an undesirable change and as a matter of fact it is a significant improvement. It is a little substantial but based on the location of the property it is not going to have an adverse, physical or environmental effect to the character of the neighborhood. It is going to make it aesthetically look a lot nicer. It is not much bigger than the current nonconforming property.**

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

Discussion:

Appeal No. 17-7631 (Variance)

Luis & Carmen Jimenez – Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **35 feet** to the front yard property line is required, the applicant can only provide **27 feet** for an existing 12' x 16' deck, thus requesting a variance of **8 feet**.

The property is located at **19 Dennis Road** and is identified as **Tax Grid No. 6258-01-110671** in the Town of Wappinger.

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

Ms. Jimenez: I'm Carmen Jimenez.

Mr. Jimenez: I'm Luis Jimenez.

Mr. Prager: Tell us a little about what you need. Before you start, I noticed on the agenda it says you are in an R20 Zoning District. Are you saying this is in an R20/15 Zoning District?

Mrs. Roberti: Certain subdivisions get dropped down to the next lower zone and theirs is an R15 zoning district but it doesn't affect the front yard setback.

Mr. Prager: Okay, tell us about why you are here and what you need.

Ms. Jimenez: We purchased the house in 2017 and the deck was built in 2014. It was part of the house when we bought it so we changed the wood because it was rotted and made it look nicer.

Mr. Prager: Is this what it looks like now?

Ms. Jimenez: No, this is what it looks like now.

Mr. Casella: Is that the same footprint even though you have steps coming down the front?

Ms. Jimenez: We had two other decks.

Mr. Casella: So you guys squared off on the other deck?

Mr. Jimenez: Right here is where the deck extended to. It is really hard during the winter.

Ms. Jimenez: Last winter he was in Florida so I had to shovel the snow and it was not fun. It was two tiers and it starting falling apart. Everything is the same size we just changed the wood.

Mr. Prager: So you are here to make things legal?

Ms. Jimenez: Yes and variance wasn't submitted.

Mr. Travis: Did this have a variance prior?

Mr. Jimenez: No.

Mrs. Roberti: There was a CO but whoever signed off on it didn't check to see.

Mr. Prager: I don't see a site plan or a survey.

Mrs. Roberti: Where we can't always measure the side and the rear, they didn't have a survey but it was very easy. We were able to measure from the house to the road.

Mr. Prager: So you were there?

Mrs. Roberti: Susan and I were there and our measurements are exact.

Mr. Prager: Was there some sort of marker?

Mrs. Roberti: We measured from the existing house to the road and we subtracted 12 feet from Town property.

Mr. Travis: GIS is accurate within 6 inches?

Mrs. Roberti: I wouldn't do GIS for the side or the rear because the lines are off but the pavement was an easy marker.

Mr. Prager: We will do a site inspection on Saturday, October 14th around 9:00am and we will schedule the Public Hearing for October 24th.

New & Old Business:

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.) portico**, 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. Casella: **Motion to re-open the Public Hearing.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Mr. Casella: I'm not clear that we made a motion at the last meeting for a Negative Declaration.

Mrs. Ogunti: A motion was not made.

Mr. Casella: **Motion to declare a Negative Declaration.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Mr. Casella: **Motion to confirm our approval.**
Mr. Travis: Second the Motion.
Vote: All present voted Aye.

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

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

Respectfully Submitted,

Adjourned: 7:26 pm

Bea Ogunti
Secretary
Zoning Board of Appeals