

MINUTES

**Town of Wappinger
Zoning Board of Appeals
February 13, 2018
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Prager	Chairman	Present
Mr. Casella	Co-Chair	Present
Mr. DellaCorte	Member	N/A
Mr. Galotti	Member	Present
Mr. Haas	Member	Present

Others Present:

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

SUMMARY

Discussion:

Domenick & Nicole Amendolia	Public Hearing on March 13, 2018 Site Visit on March 10, 2018
Robert Costa	Public Hearing on March 13, 2018 Site Visit on March 10, 2018
M&C of Dutchess, Inc.	Public Hearing on March 27, 2018

Mr. Galotti: Motion to accept the Minutes from January 23, 2018.
Mr. Casella: Second the Motion.
Vote: All present voted Aye.

Discussion:

Appeal No. 18-7638 (Area Variance)

Domenick & Nicole Amendolia: - Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **25 feet** to the side yard property line is required, the applicant can only provide **15 feet** for the installation of a 16' x 36' in ground pool, thus requesting a variance of **10 feet**. The property is located at **75 Stoneykill Road** and is identified as **Tax Grid No. 6056-02-882750** in the Town of Wappinger.

Mr. Prager: Good evening. I just got your map and reviewing it.

Mr. Amendolia: Good evening. I don't believe the existing pool is shown on the map.

Mr. Prager: I'm reading something here that say there was a pool in the same spot?

Mr. Amendolia: Yes, there was an existing 17' x 33' above ground pool with an attached deck. The liner failed so we are looking to swap that pool and remove the deck and put an in ground in the same location.

Mr. Prager: What is the size of the existing pool?

Mr. Amendolia: The existing pool is 17' x 33'.

Mr. Casella: Is that the one that's there now?

Mr. Amendolia: Correct.

Mr. Prager: What's the size of the new one?

Mr. Amendolia: The new one will be 16' x 36'. We had to make it a foot narrower because my leach field is in the middle of my backyard. I do have a copy of the plan filed with the Department of Health.

Mr. Prager: We will do a site inspection to look around the property schedule the site visit for March 10th and the public hearing for March 13th.

Mr. Amendolia: If you look at my neighbor's cleared lot you can almost assume where the back line is.

Mr. Prager: So we will be at your house around 9:00am on Saturday, March 10th.

Appeal No. 18-7639 (Area Variance)

Robert Costa: - Seeking an area variance Section 240-37 of 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 **30' x 30' (900 sf.)**, thus requesting a variance of **300 square feet.**

The property is located at **112 Thornton Terrace** and is identified as **Tax Grid No. 6256-02-750999** in the Town of Wappinger.

Mr. Prager: Hi there. Please tell us a little bit about what you want to do there.

Mr. Costa: Right now I have a plastic Rubbermaid shed with some garden stuff in it. I have a walkout basement so my lawn and garden stuff are in there. My father-in-law is 74 years old and my mother-in-law is 67 years old. My father-in-law is having some trouble getting around so the long term plan is to finish this part of the basement for them legally. My wife and I do landscaping and gardening so I have a small garden tractor and I need a place to put it.

Mr. Prager: The structure is 30' x 30'.

Mr. Costa: The building is actually 24' x 30' and the footprint is 30' x 30' with a 4 feet overhang.

Discussion continues.

Mr. Prager: What are you going to put in this?

Mr. Costa: Lawn and garden equipment. I have a small tractor that will go in there.

Mr. Prager: Is it a full size door?

Mr. Costa: Yes and there won't be a second floor just open ceiling. I can show you some pictures of the property.

Mr. Prager: We will schedule the site visit for March 10th around 9:15 am and the public hearing for March 13th.

Mr. Costa: I have the property already staked out and I meet the setbacks.

Mr. Prager: I notice you have the setbacks it's just the overall size and a little over an acre that bothers me. Where's the road to the building?

Mr. Costa: There's no road. It's not for cars only for lawn and garden equipment.

Mr. Prager: So we will schedule the site visit on Saturday, March 10th at 9:15am.

Mr. Prager: Did you say I can run up there since I cannot make it on March 10th?

Mr. Costa: Do you need someone to be there?

Mr. Prager: As long as it's marked up I don't need anyone there.

Mr. Costa: I have sticks there so you know where the building is.

Mrs. Roberti: We have another member so we will email him tomorrow and he may come out on March 10th or he may come out on his own.

Mr. Costa: That's fine. There are no issues.

Appeal No. 18-7637 (Use Variance)

M&C of Dutchess, Inc.: - Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-The applicant intends to utilize the existing 2,500 sf. commercial structure built in 1950 as a contractor's shop and storage in a Residential Zoning District. The property is located at **20 MacFarland Road** and is identified as **Tax Grid No. 6157-04-720271** in the Town of Wappinger.

Mr. Prager: Mr. Alexander, how are you?

Mr. Alexander: I'm doing great.

Mr. Prager: We had a discussion a couple of weeks ago and we did get a package from your office.

Mr. Alexander: We tried to do what you asked us to do. I can walk through it if you want.

Mr. Prager: Yes, please because we have new board members here.

Mr. Alexander: Good evening I'm Neil Alexander, I'm a partner of Cuddy & Feder. The client is M&C of Dutchess. They were a private lender in 2004 and after nonperformance they wanted to amend the loan they had given on the property. There were some issues around 2008/2009 about things going on at the property and violations were issued. A use variance application was submitted in 2012 and doesn't seem to have gone anywhere. The history to this property goes back to when Mr. Sloper bought it in 1950 and by 1966 the Sloper Ambulance Service was operating on the property and continued to operate there for 35 years before they moved over to Town Hall. This property comes in on MacFarlane and it's a classic flag lot.

Mr. Alexander continues his review.

Mr. Prager: There's an overlap over there and it looks like it's on the property line.

Mrs. Roberti: This is probably paved and it's encroaching over to the County Players property.

Mr. Alexander: We fully acknowledge that once we have an identify user and we get the use variance we are going to go back for a site plan approval. We will figure out what kind of screening is needed. We know that somethings will have to be done relative to that issue. It is going to depend on who our user is. That's the essence of everything.

Conversation continues.

Mr. Casella: Are you specifically looking to do sales or storage only?

Mr. Alexander: I think what we focused on was the concept of a contractor office and the associated activities that would go with that as well as warehousing as opportunities to go into the marketplace. We wanted to go a little broader within the definition that you already used.

- Mr. Prager: The other thing that's bothering me is if we are talking about warehousing and selling materials and supplies. In other words I don't want a Home Depot. We don't want retail.
- Mr. Alexander: I understand and it won't be retail.
- Mr. Horan: In other words you will limit retail sales.
- Mr. Casella: That will be part of the stipulation.
- Mr. Horan: So one condition would be to limit retail sales.
- Mrs. Roberti: Do you have any issue with outdoor storage?
- Mr. Prager: Outdoor storage if it's within the confines of the building.
- Mr. Casella: Everything will have to be inside.
- Mr. Horan: This one is a little bit different because it is further back from the road. It's a different situation and I think if it's appropriately screened.
- Mr. Prager: We wouldn't want this outside with storage.
- Mr. Alexander: That's a good point.
- Mr. Casella: Probably in the back of the building is okay but not in the front.
- Mr. Alexander: We are subject to the R20 requirement. As far as yards you have a maximum building coverage of 15%. We have quite a bit of limitation on us.
- Mr. Prager: I just want you to understand where I'm coming from because I don't want the whole property filled with storage outside.
- Mr. Alexander: The point is to allow a commercial use that is consistent with what has historically been there.
- Mr. Prager: Thank you.
- Mr. Horan: In recent years what had occurred out there and there was a question as to whether it was consistent to the prior ambulance use. It had been used for overflow parking for the car dealerships.

Mr. Prager: My concern is I don't know the amount of cars driving by residential homes.

Mr. Alexander: It will be staff of the entity that will come in the morning park their personal vehicles, leave in the company's vehicles and come back.

Mr. Prager: Okay.

Mr. Galotti: Are there any structures on the first parcel?

Mr. Alexander: No.

Mr. Prager: Mr. Horan, do you see any reason why we can't have a public hearing?

Mr. Horan: No, not at all.

Mr. Prager: We have a new member who has not been on the site and we have another member who is not here tonight. I would like for them to each have time to look at the site and look at the information we have. So I would like to schedule the public hearing for March 27th.

Mr. Haas: Is there any reason I can't go and take a look at it?

Mr. Alexander: I don't know if there's a gate up right now.

Mr. Prager: There is a gate but we parked and just walked in.

Mr. Alexander: I will just let the client know that someone will be walking around there. Thank you.

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

Respectfully Submitted,

Adjourned: 7:42 pm

Bea Ogunti
Secretary
Zoning Board of Appeals

