

MINUTES

**Town of Wappinger
Zoning Board of Appeals
April 24, 2018
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Prager	Chairman	Present
Mr. Casella	Co-Chair	Absent
Mr. DellaCorte	Member	Present
Mr. Galotti	Member	Present
Mr. Haas	Member	Present

Others Present:

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

SUMMARY

Public Hearing:

Robert Costa	Variance Granted
Petra Mennell	Variance Granted
New Hackensack Firehouse Air-locked Vestibule	Variance Granted

Discussion:

Thomas & Dianna Naughton	Public Hearing on May 8, 2018
Wappinger Hannaford CLYNK	Public Hearing on May 8, 2018
M & C of Dutchess, Inc.	Use Variance Granted Authorize Negative Declaration

Mr. Hass: Motion to accept the Minutes from April 24, 2018.
Mr. DellaCorte: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

Appeal No. 18-7639 (Area Variance)

Robert Costa: - Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where a side yard of **25 feet** is required, the applicant can only provide **12.5 feet** for a 24' x 25' garage.

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **25 feet** to the rear yard for a 24' x 25' garage, thus requesting a variance of **25 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: Bea, are all the mailings in order.

Mrs. Ogunti: Yes, they are.

Mr. Prager: Mr. Costa, please come up. I know you've changed things a little. Could you state your name for the record and just explain exactly what you need and why you need it.

Mr. Costa: My name is Robert Costa. Initially we were looking for a variance for the size of the building and it came up that there was an easement on the property. The required 25 feet setback was not from the property line but from the easement. As a result I cannot put the building there because there's a slope and a leach field. We are looking for a variance to bring the building back down to 600 sq. so we no longer need a variance for the size of the building.

Mr. Costa continues his overview of the project.

Mr. Prager: As we stated at the last couple of meetings, we did a site inspection and saw some of the problems that you have.

Mr. DellaCorte: I want to thank you for sending the pictures along.

Mr. Haas: Did you say it is 24' x 24' with 2 feet on the side?

Mr. Costa: It is 24' x 24' with 2' x 12' on the side.

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

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

Mr. Haas: **Motion to grant the variance. The benefit cannot be achieved by any other feasible means. There is no undesirable change to the character of the neighborhood. The request is substantial but still allowable and will not have an adverse or physical effect to the environment and is not self-created.**

Mr. DellaCorte: Second the Motion.
Roll Call Vote: Mr. DellaCorte YES
Mr. Haas YES
Mr. Prager YES

Appeal No. 18-7640 (Area Variance)

Petra Mennell: - Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where **20 feet** to the side yard property is required, the applicant can only provide **16.4 feet** to the side yard for a covered rear porch with landing, thus requesting a variance of **3.6 feet**.

The property is located at **10 Dean Avenue** and is identified as **Tax Grid No. 6157-01-114621** in the Town of Wappinger.

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

Mrs. Ogunti: Yes, they are.

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

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

Ms. Mennell: My name is Petra Mennell. I would like to build a porch so that we can relax out there. This porch is going to go in the back of the house. We are using the existing line of the house and the existing roof line of the building. We are definitely worried about aesthetic and from the front you are not going to see the porch. There are two

neighbors who will be affected by this variance but there are bushes and trees screening them from the porch.

Mr. Prager: We did have a site inspection a couple of weeks ago at this property. Again, I just want to mention that this addition will not be going any closer to the property line than the building is already. We did see other buildings on the property and I understand that those have been taken care of.

Ms. Mennell: That's correct.

Mrs. Roberti: Yes, the garage predates zoning and the shed got a shed amnesty 2003.

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

Mr. DellaCorte: Motion to close the Public Hearing.

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

Mr. DellaCorte: Motion to grant the variance. The benefit can be achieved by other feasible means to the applicant but in this case it cannot. It won't cause an undesirable change to the character or detriment to other properties. Although the request is substantial there is no adverse effect or impact on the physical or environmental condition to the neighborhood. The alleged difficulty is self-created and is relevant but is not a determining factor.

Mr. Galotti: Second the Motion.

Roll Call Vote:

Mr. Galotti	YES
Mr. DellaCorte	YES
Mr. Haas	YES
Mr. Prager	YES

Appeal No. 18-7642 (Area Variance)

New Hackensack Firehouse air-locked Vestibule: - Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **25 feet** to the side yard property is required, the applicant can provide **7 feet** to the side yard for a vestibule, thus requesting a variance of **18 feet**.
The property is located at **217 Myers Corners Road** and is identified as **Tax Grid No. 6258-02-625574** in the Town of Wappinger.

Present: Paul Pilon – Architect

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

Mrs. Ogunti: Yes, they are.

Mr. Galotti: Motion to open the Public Hearing.

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

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

Mr. Pilon: Good evening. I'm Paul Pilon and I'm here on behalf of the fire district. The fire district is trying to renovate the original portion of the fire house. As part of that renovation we would like to add a vestibule to the side of the building. That vestibule is approximately 14' x 7' with a roof overhang. We can provide 7 feet from the property line. I would like to point out that the fire district owns the adjacent parcel as indicated on the map as Bill Parsons Way which connects to the former Fairchild property. I would like to point out that this is not a significant variance.

Mr. Pilon continues his review of the project.

Mr. Prager: Is there anyone in the audience who would like to speak for or against this variance? Before we go any further I would like to recuse myself from the motion to either grant or deny this variance as I am a member of the fire department. I'm actually a part of the fire district. I'll entertain a motion to close the public hearing.

Mr. DellaCorte: Motion to close the Public Hearing.

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Motion to grant the applicant the variance. I don't think the benefit can be achieved by any other feasible means. It will not create any undesirable

effect to the neighborhood. The request is substantial by nature, however due to the fact that the district owns the two parcels I don't see an impact. There is no impact to the environment. The condition is self-created, however I vote to grant the applicant the variance.

Mr. Haas: Second the Motion.
Roll Call Vote: Mr. Galotti YES
Mr. DellaCorte YES
Mr. Haas YES

Discussion:

Appeal No. 18-7643 (Area Variance)

Thomas & Dianna Naughton: - Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where **40 feet** to the rear yard property is required, the applicant can only provide **31.55 feet** for the installation of an above ground 24' round pool, thus requesting a variance of **8.45 feet**.

The property is located at **43 Kent Road** and is identified as **Tax Grid No. 6257-01-359997** in the Town of Wappinger.

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

Ms. Naughton: Dianna Naughton.

Mr. Prager: Since you have never been to a ZBA meeting, what we do here is like a workshop basically and if we think we need something from you we will ask you to bring it before the public hearing. Looks like you have everything here. So please explain why you need this.

Ms. Naughton: My husband went out and bought a 24' above ground pool and after coming to get a building permit we found out that we need 40 feet to the rear of the property. We can only provide 31.55' so we need a variance of 8.45'.

Mr. Prager: I see it's a very small lot.

Ms. Naughton: Yes, it is and anywhere we put it in the back yard would require a variance.

Mr. Prager: Conversation continues.
In a case like this we do a site inspection. We will set the inspection for Saturday at 9:00am and the public

hearing for May 8th. Do me a favor and mark out the area where the pool is going and the back property line.

Ms. Naughton:

Okay.

Mr. Horan:

Is a fence there or no?

Ms. Naughton:

No, it's vacant property.

Mr. Prager:

Do you have an idea where the line is?

Ms. Naughton:

Yes, we have an idea.

Mr. Prager:

Again, we will be there at 9:00am and the public hearing will be on May 8th.

Appeal No. 18-7641 (Area Variance)

Wappinger Hannaford CLYNK: - Seeking two area variances of Section 240-37 of District Regulations in an SC Zoning District.

-Where **75 feet** to the front yard property line is required, the applicant only provide **8 feet** for the placement of a CLYNK bottle return service structure in an existing Hannaford parking lot, thus requesting a variance of **67 feet**.

-Where **20%** maximum building coverage is allowed in a Shopping Center Zoning District, the applicant can provide **21.4%** for the placement of a CLYNK bottle return service structure, thus requesting a variance of **1.4%** increase in building coverage. On 05/09/2000, a variance to increase the building coverage to **21.3%** was granted. This variance is a **0.10%** increase from the previously approved variance.

The property is located at **1271 Route 9** and is identified as **Tax Grid No. 6157-02-653974** in the Town of Wappinger.

Present:

Brandee Nelson – Engineer

Mr. Prager:

Good evening. You were here two weeks ago and we had some questions about accessory structures that had to comply with the front yard setback. We decided that portion of the minimum yard setback because that's not necessary.

Ms. Nelson:

Your attorney just gave me an opinion that supports that.

Mr. Horan:

Where this CLYNK is going to be located there is a bump out and on the corner is the Mobil Station which predates the Hannaford application. That carves out that corner of the lot. Under our zoning code there's a provision that says that if you have a corner lot that

fronts on two streets, you are required to have two front yards. The definition of corner lot is pretty specific and it says a lot situated at junction of and front on two or more intersecting streets. This application is not a corner lot because it's not at the junction of two streets.

Technically, it has frontage on two streets but it is not a corner lot. The difference is basically the distance from the building to the lot line. In our non-residential districts we don't have different setbacks for accessory buildings or principle buildings.

Mr. Horan continues.

Mr. Prager:

Ms. Nelson, now you understand why we went through this.

Ms. Nelson:

I do. If that is the opinion then that is consistent with our understanding as well.

Mr. Prager:

Is there anything else that we need to move along with this variance?

Mr. Galotti:

As confusing as it sounds, the site pretty much has the same setback from the way you described it.

Mr. Horan:

The only question was what was the number of the variance and whether they were getting a 67 feet or 42 feet variance?

Mr. Prager:

I think we have enough information from the time you were last here. With that I would like to set a public hearing for May 8th.

Mr. Horan:

Is this a Type 2 action on the SEQRA?

Ms. Nelson:

No, they are calling it an unlisted action. It was a question I had for the Planning Board also. At the last Planning Board meeting I was asked if they intend to be lead agency and I don't know whether they formally circulated.

Mrs. Roberti:

Did we circulate?

Mrs. Ogunti:

Not yet.

Mr. Horan:

We will look at that.

Mrs. Roberti: We will figure this out by May 8th.

Ms. Nelson: Thank you very much.

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.

Present: Neil Alexander – Applicant's Attorney

Mr. Prager: First of all I would like to entertain a motion for a Negative Declaration.

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

Mr. Prager reads the findings and decisions.

Mr. Prager: I will now entertain a motion for continuing to grant this use variance.

Mr. DellaCorte: **Motion to continue to grant this Use Variance.**
Mr. Galotti: Second the Motion.
Roll Call Vote:

Mr. Galotti	YES
Mr. DellaCorte	YES
Mr. Haas	YES
Mr. Prager	YES

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

Respectfully Submitted,

Adjourned: 7:49 pm

Bea Ogunti
Secretary
Zoning Board of Appeals