

MINUTES

**Town of Wappinger
Zoning Board of Appeals
November 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	Present
Mr. Haas	Member	Present
Mr. Galotti	Member	Absent

Others Present:

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

SUMMARY

Public Hearing:

Charles & Judy Seguire	Variance granted
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Discussion:

Richard & Natalie Cerbini	Public Hearing on November 27, 2018 Site Visit on November 17, 2018
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Mr. Haas: **Motion to accept the Minutes from November 13, 2018 as amended.**

Mr. Casella: Second the Motion.

Vote: All present voted Aye.

Public Hearing:

Appeal No. 18-7660 (Area Variance)

Charles & Judy Seguire: Seeking an area variance Section 240-30 B of District Regulations in an R80 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 **24' x 36' (864 sf.)** storage barn, thus requesting a variance of **264 square feet.**

The property is location at **222 Windsor Road** and is identified as **Tax Grid No. 6156-02-988706** 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. Haas: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: Mr. Seguire, how are you? Come on up.

Mr. Seguire: Good evening.

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

Mr. Seguire: Charles Seguire.

Mr. Prager: I know we had our meeting a couple of weeks ago and we came out to see the property but for the record and the public tell us what you need and why you need it.

Mr. Seguire: I am interested in putting up a storage barn on my house that I reclaimed from a property in Stormville.

Mr. Prager: Why does it need to be this big?

Mr. Seguire: That was the footprint that was existing when I

disassembled it. That's why I'm going to keep it in the same footprint as it was erected.

Mr. Prager: How many acres do you have?

Mr. Seguine: I have 33 acres.

Mr. Prager: As you know we were all there and inspected your property and saw how long your drive way was. It is all the way in the woods probably about 2 miles long? Is there anyone on the board with any questions? Is there anybody in the audience who would like to speak for or against the variance? If not I will now entertain a motion to close the public hearing.

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

Mr. Haas: 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. It is not an undesirable change to the neighborhood. It is not a detriment to any other nearby properties. The request is substantial but it will not have any adverse effects or impact on the environmental conditions in the neighborhood. It is not self-created.**

Mr. Casella: Second the Motion.

Roll Call Vote: Mr. Casella YES

Mr. DellaCorte YES

I would like to mention that it keeps with the original footprint. It is admirable I think.

Mr. Haas YES

Mr. Prager YES

This is larger than what we would normally approve but I don't have any problems in this case.

Discussion:

Appeal No. 18-7662 (Variance)

Richard & Natalie Cerbini: Seeking an area variance Section 240-37 of the District Regulations in an R20/40 Zoning District.

-Where **50 feet** is required to the front property line, the applicant can provide **48 feet** for a 30' x 6' deck, thus requesting a variance of **2 feet**.

The property is located at **3 Peggy Lane** and is identified as **Tax Grid No. 6157-03-485293** in the Town of Wappinger.

- Mr. Prager: Good evening Mr. Cerbini. Please come up. What we try to do here is find out exactly what you are doing and if we notice there is something more that we might need for the next meeting for the public hearing we will get with you and set up a site inspection to look at the property also. Tell us a little about what you need.
- Mr. Cerbini: Good evening. My name is Richard Cerbini and I live at 3 Peggy Lane. The house was built in 1960 and we bought the house in December of 2013. The problem with the house right now it has concrete stairs and it's falling apart. My wife's dad was a builder by trade so she loves wooden stairs so she said let's get wood. We hired Lowes to come out and measure everything up. At the front landing when you open the door you are right there. You can't even open the door and not be right there. It is very narrow and it was built in 1960. For moving furniture in and out of the house and people coming to visit there's nowhere to stand. The steps themselves are very narrow in that regard.
- Mr. Prager: I see where the driveway comes in to your little porch in the front.
- Mr. Casella: So as the deck is today is that where you are putting it?
- Mr. Cerbini: The existing cinder block is going to stay and the top part which is some sort of concrete material is going to be taken off. They are going to use the concrete base as the foundation for the wooden deck.
- Mr. Casella: Is it going to be about the same footprint and just a little bigger?
- Mr. Cerbini: Yes, just a little bigger.

- Mr. Prager: The first agenda we got in the mail said you are requesting a 48 feet variance.
- Mrs. Ogunti: Yes, it was an error on my part. The yellow copy you have before you has the corrected variance of 2 feet.
- Mr. DellaCorte: That was going to be one of my questions but I see it is already corrected.
- Mrs. Ogunti: Al kept me honest.
- Mr. Prager: Are there any questions from you guys up here?
- Mr. Casella: About the sheds in the back I know Mr. Prager likes to ask about the sheds.
- Mr. Cerbini: They existed when we bought the house. One of them was built in 1995 if I remember correctly. When we bought the house I believe there was a permit for that one.
- Mr. Prager: Do you know how far that one shed is? It looks like it has a little walkway going through it.
- Mr. Cerbini: That's right by the back deck and it existed on the foundation when we bought the house. Both of them were there when we bought the house. That one is on a concrete foundation and that one is on a graveled pad.
- Mr. Prager: I would like to know how far that is from your property line.
- Mr. Cerbini: The little shed or the big shed?
- Mr. Prager: Come on up. Is it this one right here?
- Mr. Cerbini: There's a hill behind that.
- Mr. Prager: I just want to know the distance and I would also like you to make a mark where this property line is so when we come out we can measure from there to the shed. You might need a variance for that.
- Mr. Cerbini: Okay.

Mr. Prager: That way everything is legal and if you want to sell the place you won't have to worry.

Mr. Haas: I have a question which has nothing to do with the variance. I just like to ask when I see things. You have overhead wires coming in on this corner?

Mr. Cerbini: Yes.

Mr. Haas: You are going to put a deck underneath them?

Mr. Cerbini: It's not coming out it's a small wrap around this area.

Mr. Haas: You are going to be able to walk under it so just make sure you are not going to run into those wires.

Mr. Cerbini: Okay, it comes in at the peak of the house.

Mr. Prager: We would like to have a site inspection.

Mr. DellaCorte: We have a small picture of what you are trying to do but we would like an artist rendition.

Mr. Cerbini: I think Lowes would have submitted drawn plans.

Mr. DellaCorte: Do you have them?

Mr. Cerbini: No, but they told me they had dropped revised plans by.

Mr. Prager: Oh really?

Mr. Cerbini: When they measured it the first time I happened to catch it when they dropped the plans by. That's why the variance looked so weird the first time because he was coming out 18 feet originally and I said it was 8 feet not 18 feet. That's why we needed a larger variance the first time. He was supposed to revise and send it back in.

Mrs. Roberti: I see something that says revised. Is that part of your package?

Mr. DellaCorte: I saw something like that.

Mr. Prager: I don't think it says revise.

Mr. Haas: I don't know what it is revised from and to.

- Mrs. Ogunti: Barbara, you want to look at this one to compare?
- Mr. Prager: Okay, I see what you are talking about.
- Mrs. Roberti: Yes, when he was denied the first time they figured out your measurements and it increased how much room he had. It came out short and he still needed a variance.
- Mr. Prager: Is it going to be a wraparound?
- Mr. Cerbini: The front is just going to be the landing and then off the front landing will be a wrap to the back. It's ugly in the front and not pretty at all.
- Mr. Haas: It is still going to be two variances.
- Mr. Cerbini: Right.
- Mrs. Roberti: Originally it was 10 feet and then we went back and measured with his builder and they realized that they had measured incorrectly.
- Mr. Prager: Where is the 48 feet to? From the drawing it looks like it's from the house. I know these lines were always out here to the front. Is it 48 feet from the house to the front or from the end of your porch to the front?
- Mr. Cerbini: I wasn't there when they did the measurements.
- Mrs. Roberti: They were told to measure from the deck to the property line.
- Mr. Prager: Who measured that?
- Mr. Cerbini: That would have been Lowes that measured it.
- Mr. Horan: How wide is it going to be off the house?
- Mr. Cerbini: I think total would be 8 feet.
- Mrs. Roberti: Do you have the original survey?
- Mr. Cerbini: I have the survey at the house.

Mrs. Roberti: Could you possibly bring it because there are no measurements on this.

Mr. Cerbini: Sure.

Mrs. Roberti: If you bring the original I will be able to figure that out as to how close your sheds are. This way I can see how much room you have. We can only go by what we are given.

Mr. Prager: Again, is the 48 feet from the middle of the road or the edge of the road? Where is that from? Where is the property line?

Mrs. Roberti: We relied on whoever measured it for you.

Mr. Horan: You can scale the difference from the property line to the front of the house and back off 8 feet.

Mr. Prager: We can do that but again do you know where your property line is?

Mr. Cerbini: Yes, there's a telephone pole where the overhead lines are coming in from it is a little ways from there.

Mr. Prager: Stick from your house where that property line is then we can measure to see if your numbers are right.

Mr. Cerbini: Okay.

Mr. Prager: Also get us the drawings from Lowes.

Mr. Cerbini: Okay so I'll text them know they need to drop the plans off.

Mr. Prager: Anything else Tom?

Mr. DellaCorte: Thanks for answering those questions. When we come to look at it will you be able to have where the dimensions of the deck will be?

Mr. Cerbini: I can ask them to come by and do something like that.

Mr. Prager: So we have an idea what you are talking about.

Mr. Cerbini: So in looking at it you would be able to see exactly.

Mr. DellalCorte: Yes, because I'm just trying to visualize.

Mr. Casella: This way we can do our own measurements.

Mr. Cerbini: I may be able to drop it by tomorrow.

Mrs. Roberti: With a scale I can measure it but when they shrink them down it is hard to get an accurate measurement.

Mrs. Ogunti: I'm sorry Barbara you had a question about the shed. Was that answered because I just want to make sure this legal notice won't need correction since I will be sending to the Southern Dutchess News tomorrow. What was the question?

Mr. Prager: I wanted to know the distance from the closest shed.

Mrs. Roberti: I will do that when I get back to the office.

Mrs. Ogunti: I just want to make sure.

Mrs. Roberti: I will also check to make sure they have certificate of occupancy.

Mr. Prager: Maybe it is done, we don't know.

Mrs. Ogunti: Okay.

Mr. Cerbini: Like I said the memory is vague but I remembered that was part of the closing documents when we purchased the house. There was one shed which came from Bay Horse in Red Hook was definitely there and permitted if I remembered correctly. The other one I can't speak for.

Mr. Prager: When did you buy the property?

Mr. Cerbini: I believe it was December of 2013 and it was from the original owners of the place.

Mr. Prager: I would like to do the site inspection this Saturday if everybody is agreeable.

Mr. Haas: I'm good.

- Mr. Prager: Okay we will do it at 9:00am on Saturday, November 17th. Will you be at work?
- Mr. Cerbini: I'm in the car business so it's hard to have a Saturday morning off.
- Mr. Prager: Is your wife or anybody around?
- Mr. Cerbini: She works on Saturday as well but it's easier for her to be off then it is for me.
- Mr. Prager: As long as the sticks are in and we know what we are looking at.
- Mr. Cerbini: Let me just make a little note for myself.
- Mrs. Roberti: Once I have the survey I can give you the measurements.
- Mr. Cerbini: I'm going to call Lowes tomorrow or text them tonight.
- Mr. DellaCorte: You got everything you think we need from you? You need the sticks and the property line.
- Mr. Cerbini: Yes, I'm going to tell Lowes to do that. They can either spray or mark with sticks. I'll drop off the original survey.
- Mrs. Roberti: You can come tomorrow or Thursday should give me enough time to measure it up.
- Mr. Casella: There is also a fence on your property as well.
- Mr. Cerbini: There is no fence.
- Mr. Casella: So I will need two markings. One is for where the deck is going to come out and the other to show where the property line is. What we are going to do is measure the two points.
- Mr. Cerbini: Okay, so on which side you would need the other marking?
- Mr. Casella: I think it's going to be on this side since your deck wraps around like this right? So you will do one here and one there so we know how far it is.

Mrs. Roberti: I'm going to give you a measurement from this corner to the road since it is his property line and from this corner to here.

Mr. Prager: You work around Fowlerhouse Road so you are not too far?

Mr. Cerbini: No, I can walk to work if I wasn't afraid to get hit by a car if I had to.

Mr. Prager: So Fowlerhouse Road runs right into Peggy Lane?

Mr. Cerbini: Yes, it dead ends into Peggy Lane?

Mr. Prager: Okay, we will be there on Saturday and your public hearing will be on November 27th.

Miscellaneous:

2019 ZBA meeting dates

Mr. Haas: **Motion to approve the ZBA meeting dates for 2019.**
Mr. DellaCorte: Second the Motion.
Vote: All present voted Aye.

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

Respectfully Submitted,

Adjourned: 7:35 pm

Bea Ogunti
Secretary
Zoning Board of Appeals