

MINUTES

Town of Wappinger
Zoning Board of Appeals
January 22, 2019
Time: 7:00PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Summarized Minutes

Members:

| | | |
|----------------|----------|---------|
| Mr. Prager | Chairman | Present |
| Mr. Casella | Member | Present |
| Mr. Galotti | Member | Present |
| Mr. DellaCorte | Member | Present |

Others Present:

| | |
|--------------|----------------------|
| Mrs. Roberti | Zoning Administrator |
| Mrs. Ogunti | Secretary |

SUMMARY

Public Hearing:

| | |
|-----------------|-------------------|
| Michael Classey | Variance granted |
| Paul LaValle | Variances granted |

Mr. Galotti: **Motion to accept the Minutes as amended from January 8, 2019.**
Mr. Casella: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

Appeal No. 19-7667 (Variance)

Michael Classey: Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **20 feet** is required to the side property line, the applicant can provide **1.1 feet** for the legalization of an existing pantry, thus requesting a variance of **18.9 feet**.

The property is located at **28 Lakeside Road** and is identified as **Tax Grid No. 6158-02-578612** in the Town of Wappinger.

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

Mrs. Ogunti: Yes, they are.

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

Mr. Prager: Mr. Classey, good evening.

Mr. Classey: Good evening.

Mr. Prager: Come on up and if you would be so kind to state your name for the record.

Mr. Classey: Michael Classey.

Mr. Prager: I know we had the discussion a couple of weeks ago and we also did a site inspection. So if you would tell us a little bit about what you need and why you need it.

Mr. Classey: The structure holds all of the equipment for the domestic water of the house and it has a water tank for the well. It also has the water softener and the water filtration system. It's on a slab so there is no alternate route to get those lines into the house.

Mr. Prager: What year was that built? That part of it, do you know?

Mr. Classey: I'm not quite sure but I think it was in the early 70s. We bought the house in 1977. There was a strip of property and looks like they bought this property specifically to put the well on. Originally that was a summer community and they had a water system for the community that was just able to be used in the summer.

Mr. Prager: Are there any other questions?

Mr. Casella: No.

Mr. Prager: Is there anybody in the audience who would like to speak for or against this variance? If not, I will entertain a motion to close the public hearing.

Mr. Casella: Motion to close the Public Hearing.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Motion to grant the applicant the variance. I don't believe the benefit can be achieved by any other feasible means. There's no undesirable change to any of the adjacent properties. The request is substantial however but it will create no adverse effects to environment.

Mr. Casella: Second the Motion.

Roll Call Vote: Mr. Casella YES

Mr. Galotti YES

Mr. DellaCorte YES

Mr. Prager I am recusing myself as I mentioned at the last meeting that Mr. Classey is the construction manager for a project they are doing at the fire station.

Appeal No. 19-7668 (Variance)

Paul LaValle: Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **40 feet** is required to the rear property line, the applicant can provide **11 feet** for the legalization of an existing shed, thus requesting a variance of **29 feet**.

-Where **20 feet** is required to the side property line, the applicant can provide **7 feet** for the legalization of an existing shed, thus requesting a variance of **13 feet**.

The property is located at **5 Malstrom Road** and is identified as **Tax Grid No. 6258-01-015537** in the Town of Wappinger.

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

Mrs. Ogunti: Yes, they are.

Mr. Prager: Could I have a motion to open the public Hearing.

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

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: Come on up. Again, please state your name for the record.

Ms. LaValle: Nancy LaValle.

Mr. LaValle: Paul LaValle.

Mr. Prager: Tell us a little bit about what you need and why you need it. We did have a site inspection and got to talk about things.

Ms. LaValle: I'm going to speak on my husband's behalf if that's okay. We are seeking the shed for the variance due to the fact that we have a 1-car garage. As I stated previously with teenagers and multiple cars and our driveway is very short. So we are trying to take the equipment out of the garage and put in the shed to pull a car into the garage to piggyback the other three cars behind it. We had a previous shed there and it collapsed because it was old. We just want to clean up our yard and get everything in one area. I don't know if my husband wants to add anything in regards to it.

Mr. Prager: Would you like to speak?

Mr. LaValle: Sure.

Mr. Prager: What's the size of the shed?

Mr. LaValle: Currently it is 21' x 10'.

Mr. Prager: Okay, 210 square feet. I want to do each variance separately. Do you have any questions?

Mr. Casella: What is the size of the previous shed?

Mr. LaValle: It was 8' x 10'.

Mr. Casella: Okay. Do you have a Certificate of Occupancy for that?

Ms. LaValle: It was there when we bought the house.

Mr. Prager: When did you buy the house?

Ms. LaValle: I believe it was 2008 when it was transferred to us.

Mrs. Roberti: I did check it but I can't remember right now but it did have a permit or a shed amnesty.

Mr. Casella: Okay.

Mr. Galotti: The footings that you currently have in the ground now are they approximately 4 feet?

Mr. LaValle: They are 3 feet and change but no more than 4 feet.

Mr. Prager: I would like to see it at least 10 feet away from the fence. As far as I'm concerned you can still keep the same size but just move everything 7 feet away from that fence. That will give you enough room to work behind it if anything ever happens to get around it. That would be my suggestion and I don't know how everybody else feels.

Mr. Galotti: How far are you from the fence now?

Mr. LaValle: I'm 4 feet away from the fence.

Mr. Prager: It actually says 3 feet here.

Mr. LaValle: It is actually 4 feet and I think Barbara was actually scaling that at the time.

Mrs. Roberti: I did it to the property line at the time because the fence is showing as a foot off your property.

Ms. LaValle: As you recall when we went by the pool we weren't even sure that fence was even on our property line.

Mr. Prager: I'm using the fence as a barrier because it's right there. That's why I'm saying I would like to see it 10 feet away.

- Mr. Galotti: When we were there you actually suggested cutting out a bay or two from the back. If you are 4 feet away from the fence and you cut out a bay now you are 8 feet from the fence.
- Mr. LaValle: Approximately.
- Mr. Galotti: I know you are saying 10 feet but just because of the footings you have in the ground now they are 8 feet which would save you from cutting into the next bay.
- Mr. LaValle: Correct.
- Mr. Galotti: I'm inclined to think that the 8 feet works.
- Mr. Prager: Those footings you are referring to I believe are just basically laid on the ground.
- Mr. LaValle: That's correct.
- Mr. Prager: So they can be moved.
- Mr. LaValle: That is correct. I did dig a trench for drainage. Around the perimeter of the shed is a 2 feet deep trench full of stone. If I have to cut it back that's up to you gentlemen.
- Mr. Prager: That's just my opinion obviously we have four people here. That's democracy, right?
- Ms. LaValle: Yes.
- Mr. Casella: So you are thinking instead of making the 7 feet variance you want to make it a 5 feet variance to have 8 feet off the back instead of 10 feet?
- Mr. LaValle: Right.
- Mrs. Roberti: You do realize these are the larger setbacks? So when you grant it you have to use those numbers. Because it's over 144 square feet they require 40 feet to the rear and 20 feet to the side. So whatever you decide when you go to approve or deny it you have to use the bigger setbacks.
- Mr. Galotti: Right.

- Mrs. Roberti: It is not 10' x 10'.
- Mr. Galotti: That being the case if we did go with the 8 feet vs. the 10 feet, is the variance correct?
- Mrs. Roberti: No. So if you told him he could have 8 feet from the rear it would be a 32 feet variance rather than 37 feet. If he continues it might get a little closer than 7 feet. Where he needs 20 feet to the side if you grant him 7 feet, that would be a 13 feet variance. So whoever is going to grant or deny it this variance those are the numbers?
- Mr. Casella: How much work, effort and money will it be if you did the 10 feet from the back and if the variance would be granted for the 13 feet on the side? Can you do that?
- Mr. LaValle: So the side is the only thing in question?
- Mr. Casella: The back is the only question.
- Mr. Prager: That's all we are talking about right now.
- Mr. LaValle: How much work it's going to be to cut 8 feet off the back, is that the question?
- Mr. Casella: No, I'm look for 7 feet.
- Mrs. Roberti: No, that's the side.
- Mr. Prager: No, you are right you are doing 7 feet more from the back.
- Mr. Casella: What I want to know is how much effort and money does it cost? What we are trying to tell you is we are willing to work with you a little bit. Can you move it 7 feet so it allows us to potentially do the other variance because you need two variances?
- Ms. LaValle: The only issue with moving forward like I explained that there is a low point in the yard. So that's my only concern. If we come out of where the old shed was and come forward, that collects water and I'm concerned the bottom is going to get rotted.
- Mr. Casella: You are going to be up on the footings a little bit.

Ms. LaValle: The Town has come by several times when there is storm coming the water shoots up like a fountain in the yard. They pull the drains out and clean them really well because it gets so flooded in that area. Across the street gets water in their basements but we just get the fountain that comes up from the ground. My only concern is that if we go forward that water will come up and we end up with rotted wood and we would have to replace it again. Does that make sense to you guys?

Mr. DellaCorte: It makes sense.

Ms. LaValle: I'm not sure that I'm wording it correctly but that's my only concern.

Mr. Galotti: If we want to get you 10 feet from the fence this means you have to cut 7 feet off the shed and it puts you in between bays.

Mr. LaValle: Right now it's resting on footings?

Mr. Casella: Again, I'm not in the construction business but can you pick up and move that structure and add new footings in the front because you have to do that anyway. Can you take the existing structure and move it, I don't know if it's already attached. There's no floor there right now it's just an empty structure.

Mr. LaValle: It would require machinery which would cost more than what it would take to manually remove it the old fashion way. If we are talking about taking 8 feet off it has to go from footing to footing.

Mr. Prager: Are there any other questions?

Mr. Casella: I'm good.

Mr. Prager: I will now entertain a motion to close the public hearing.

Mr. Galotti: Motion to close the Public Hearing.

Mr. DellaCorte: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Variance No. 1: Motion to grant this variance with the stipulation that you take an additional 7 feet off the back of the property which will give an 11 feet

rear yard setback. Therefore, the variance is 29 feet. Whether the benefit can be achieved by any other feasible means we are trying to come to a compromise. It is not an undesirable change to the neighborhood it will hopefully improve it. It is somewhat substantial and the request will not have any adverse or physical effects.

Mr. Galotti:
Roll Call Vote:

Second the Motion.
Mr. Casella YES
Mr. Galotti YES as stipulated
Mr. DellaCorte YES
Mr. Prager YES

Mr. Casella:

Variance No. 2: Motion to grant this variance for the additional 13 feet. They made a compromise to move the property out from the back to the front and move that out. Whether the benefit can be achieved by any other feasible means I don't think so. It is not an undesirable change. It is somewhat substantial however, the fact that we are moving the shed further in the back. It will not have any environmental effects to the character of the neighborhood.

Mr. Galotti:
Roll Call Vote:

Second the Motion.
Mr. Casella YES
Mr. Galotti YES
Mr. DellaCorte YES
Mr. Prager YES

Mr. Casella:
Mr. Galotti:
Vote:

Motion to adjourn.
Second the Motion.
All present voted Aye.

Respectfully Submitted,

Adjourned: 7:35 pm

Bea Ogunti
Secretary
Zoning Board of Appeals