MINUTES

Town of Wappinger  
Zoning Board of Appeals  
September 10, 2019  
Time: 7:00PM

Town Hall  
20 Middlebush Road  
Wappinger Falls, NY

Summarized Minutes

Members:

Mr. Casella  Chairman  Present
Mr. DellaCorte  Member  Present
Mr. Galotti  Member  Present
Mr. Haas  Member  Present
Mr. Shah  Member  Absent

Others Present:

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

SUMMARY

Discussion:

John D. Grogan  Site Visit on September 14, 2019
Public Hearing on September 24, 2019

479 All Angels Hill Road  Public Hearing on September 24, 2019
Apartment House
Video of the September 10, 2019 Zoning Board of Appeals Meeting:

https://www.youtube.com/watch?v=gfntVoFZcWo&feature=youtu.be

Mr. Galotti: Motion to accept the Minutes from August 27, 2019.
Mr. DellaCorte: Second the Motion.
Vote: All present voted Aye.

Discussion:

Appeal No. 19-7684 (Variance)
-Where 35 feet is required from a County or State road, the applicant can provide 30.3 feet, thus requesting a variance of 4.7 feet for the addition of a bedroom and screen porch.
The property is located at 91 Old Hopewell Road and is identified as Tax Grid No. 6157-01-128597 in the Town of Wappinger.

Present: Paul Pilon – Architect

Mr. Casella: Good evening.

Mr. Pilon: Good evening. My name is Paul Pilon, I'm an architect and I am here on behalf of applicants Brandie and John Grogan, 91 Old Hopewell Road also known as County Rte. 28. The property is located in an R20 Zoning District. The Grogan's would like to put an 18' x 18' one story bedroom addition on the first floor in their existing home. That way they can have one story living space. There’s a bathroom on the first floor and as they are starting to age they would like to be able to stay on that first floor. The existing conditions of their home and their lot prevents them from doing this addition on any other portion of the existing home. The driveway is on the west side of the house and towards the front is part of the variance we are asking for which really wouldn’t help. On the rear they have an existing feature on their home and the existing stairs prevents them from adding to the back of the house. There’s also some septic portion in their back yard so this is the only place we can put this addition. I believe that we are required to have 35 feet and we can provide 30.3 feet so our variance is actually for 4.7 feet.
Mr. Pilon continues an overview of the project.

Mr. Casella: Is that correct, Barbara?

Mrs. Roberti: Yes, we put that in last year.

Mrs. Roberti: I spoke with Paul and we would have changed it but I was out of the office for two weeks or we would have changed it before he submitted it. That’s true and we did this for existing residences that are already close to the road on County or State road. That’s why you get a lot of these variances so he has to meet the setback for the zone. This is an R20 zone so the setback is 35 feet and he has 30.3 feet. We will change the paperwork.

Mr. DellaCorte: So Variance No. is not correct?

Mrs. Roberti: Correct. Technically, before last year anytime you are on a State or County highway you have to meet 75 feet from the property line. Because of all the variances this board has received on existing homes they can’t help themselves when they are this close to the road. Instead of having these massive variances we thought they are in an R20 or R40 let them get a variance if they need one for the zone they are in. Not to penalize them because they are on a State or County road.

Mr. Haas: How does the State and County feel about that?

Mr. Horan: County Planning doesn’t like the 75 setback anyway. County Planning wants the building up on the road and parking in the back.

Mr. Casella: So it’s 35 feet instead of 75 feet?

Mrs. Roberti: Yes.

Mr. Casella: We also need to change where it says 75 feet is required to 35 feet.

Mrs. Roberti: On the front of your area variance it should be required 35 feet on the first line. Applicant can provide 30.3 feet that stays and thus requesting 4.7 feet.

Mr. Casella: Any other questions from the board?
Mr. Galotti: It looks fine to me.

Mr. Casella: So why don’t we do a site visit this Saturday. Any of you guys available? Could you have it staked out so we see the 4.7 feet?

Mr. Pilon: You want me to stake out the front line of the addition relative to their house?

Mr. Casella: Yes.

Mr. DellaCorte: Some of us won’t be able to get there on Saturday so just let the owners know that we are coming.

Mr. Pilon: Do you have an approximate time?

Mr. Casella: I'll be there probably around 9:00am.

Mr. DellaCorte: My approximate time I don’t have. Should I call them or you Paul?

Mr. Pilon: Their number is on the form it would probably be best if you called them.

Mr. Casella: As long as it is staked out so we can be able to see the 4.7 feet. We will set the public hearing for September 24th.

Mr. Pilon: Thank you.

Appeal No. 19-7673 (Variance)

479 All Angels Hill Road Apartment House: Seeking an area variance Sections 240-56 (B) and 240-56 (C) (D) of the District Regulations in an HM Zoning District.
-Where there shall be no increase in the number of permitted dwelling units resulting from additions made after 1962, the applicant is seeking a variance of building additions constructed after 1962.
-Where a minimum lot of 40,000 sf. is required, the applicant can provide 22,098 sf., thus requesting a variance of 17,902 sf.
-Where there shall be no more than one dwelling unit for each 20,000 sf. of lot area, the applicant can only provide 22,098 sf., thus requesting a variance of 57,902 sf.
The property is located at 479 All Angels Hill Road and is identified as Tax Grid No. 6357-03-210027 in the Town of Wappinger.

Present: Andrew Milliken – Architect
Abbey Josiah – Applicant
Mr. Casella: Good evening gentlemen.

Mr. Milliken: Good evening.

Mr. Josiah: Good evening.

Mr. Casella: Why don’t you tell us about what you are looking to do here? We’ve don’t a site visit at this site. I think you have some update you wanted to provide regarding the septic information you received from the County.

Mr. Milliken: The existing building was added on in 1988 after a fire and has been approved as a ceramic studio for the bulk of the building and an upstairs apartment. It’s been zoned that way since 1980s. Right now the ceramic studio is no longer functioning. The owner would like to convert the bulk of the building into a series of apartments which are easier to rent out then an office space.

Mr. Casella: How many square feet is the ceramic studio.

Mr. Milliken: The total building is 4,050 sf. and the existing dwelling is a little over 700 sf.

Mr. Casella: Can you tell us a little bit about the approval from the Health Department?

Mr. Milliken: The designer designed the system to account for the proposed use and went to the Department of Health. They looked through it and determined that the design was conforming to their standards. They are awaiting Town approval before they can sign off on it but essentially they are okay with what we designed. That was a big hurdle.

Mr. Casella: So you don’t have the official approval from Dutchess County Health Department, right?

Mr. Milliken: It’s a little bit of a chicken and egg thing because they didn’t want to sign off on something that wasn’t necessarily going to be approved.

Mr. Haas: Does that mean you did the test and all that?

Mr. Milliken: Yes. They approved the location of the new well which will be an improvement. Right now the well is close to the septic system more or less. The whole project is to improve the site.
Mr. Casella: One of the things they talked about was the distance between the two, so that’s all taken care off?

Mr. Milliken: Yup.

Mr. Casella: You have ample parking for that?

Mr. Milliken: Each apartment requires one space plus one space for every two bedrooms. The total number of bedrooms proposed is 7.

Mr. DellaCorte: The variance is huge.

Mr. Milliken: Right, we discussed that previously when we were out there and our main goal was to make sure that the project functions.

Mr. Casella: So Barbara, they are actually zoned today for two apartments?

Mrs. Roberti: They are zoned for one apartment. There has always been one family. They came to the Planning Board in the 1980s or early 1990s to get the ceramic studio approved. They must have split the house into an apartment and ceramic studio. There have been multiple additions over the years.

Mr. Milliken: One major addition.

Mrs. Roberti: In the 1962 picture in the Assessor’s office it shows a small home so that’s where they come in to needing the first variance.

Mr. Haas: Just trying to get a sense of this. When that big build out in the back was done, was it done with Planning Board approval?

Mrs. Roberti: That was a garage addition.

Mr. Haas: So the garage was legal?

Mrs. Roberti: It is legal as far as the size of the building.

Mr. Casella: So you are looking to get rid of the ceramic studio make four apartments?

Mrs. Roberti: The ceramic studio on their site plan had an incredible amount of storage area. They had storage and added this garage and second floor for additional storage. Are you keeping the garages?
Mr. Milliken: That’s part of the spacing and obviously contingent on our approval?

Mrs. Roberti: If approved the garage will become one of the apartments.

Mr. Milliken: Essentially.

Mrs. Roberti: Then above it and then the front that was originally the ceramic studio.

Mr. Casella: You have an apartment above the ceramic studio?

Mr. Milliken: Right now there’s an apartment of the second floor.

Mr. Galotti: Basically, the footprint is staying the same.

Mr. Milliken: Yes, there’s no addition.

Mr. Haas: If this was in a zone that permitted multiple residential apartments, would the minimum lot size and the area for each dwelling be greater or smaller than this?

Mrs. Roberti: Residential mixed use areas are usually zoned for trailer parks, different types of garden apartments type of variance. It would be unusual to see one lot.

Mr. Horan: The densest zone that we have is RM5 which permits 5 dwelling units per acre. So in essence for each fifth of an acre you get one dwelling unit.

Mr. Haas: Okay.

Mrs. Roberti: This is only 2,200 square feet.

Mr. Horan: Roughly a half acre.

Mr. Haas: Which is tighter than that even. That’s what I’m trying to look for and not the variance for this but how people live in this space than the rest of the Town.

Mr. Milliken: That makes sense.

Mr. Haas: Affordable housing is important and I assume this is affordable housing but what does the space mean with respect to the lot. How do people live in the rest of the Town?
Mr. Horan: In the Hamlet Mixed Zone a mixed use is permitted. Basically a residential use along with a retail use or service business, nail salon, bakery, those types of uses are permitted together on the same lot.

Mr. Casella: Going back to Bob’s question it says here that they have enough space to do what they want to do. It sounds like some of the other lots are a lot more dense and compact and more space for four apartments. It’s tighter than most other villages.

Mr. Horan: If you are going to compare to White Gates it’s probably comparable.

Mrs. Roberti: If you go into the village to some of these streets, some of them predate our zoning. It’s not unusual to find some of them being three family and possibly four. They are on half acre or much less. Some of them have very little area. This is an existing building that’s been existing for close to two decades. So they are not enlarging it they are just repurposing it.

Mr. Haas: On the surface this is what’s going on here. So the Board of Health is going along with 7 bedrooms in this space?

Mr. Milliken: Right. The design and the septic were the focus on demand.

Mr. Horan: The septic log for the Board of Health purposes is based on the bedroom count and not the number of units. Whether we had two dwelling units or one dwelling unit, they can support bedrooms.

Mr. Casella: So they have four apartments, four bedrooms, do they have to go to 7 based on the septic system?

Mr. Horan: Yes, in this plan. How many bedrooms are there currently?

Mr. Milliken: Two bedrooms.

Mr. Horan: Typically, when you are doing zoning for apartments you look at bedroom count and the number of dwelling units. If you are looking at it from this type of metrics, the site pretty much fits in all of the external aspects. You are going to look at water demand, sewer demand, parking demand, driveways and access. Those are the typical things you would look at. For the most part they meet most of those criteria. You are going to have to put sprinklers.
Mr. Horan continues.

Mr. Casella: That’s all the stuff they will talk about at the Planning Board.

Mr. Horan: No, they probably won’t even talk about it.

Mr. Casella: Won’t the sprinkler be something they will talk about at the Planning Board?

Mr. Horan: Because it’s a multiple family now it is going to be required under State Code to sprinkler this.

Mr. Casella: Somebody has to review it.

Mrs. Roberti: Yes, the Building Department will review it.

Mr. Horan: I assume based on the representations that are made, sprinkling a building is a very expensive process particularly when you are not on Municipal water. Now you are going to have to have pumps and pressure systems to get the pressure you need to get the sprinkler system.

Mr. Casella: Don’t you have a pressure system right now.

Mr. Milliken: No, but we are prepared to investigate that when the time comes.

Mr. Horan: That’s one thing you want to investigate from a cost point of view. I’ve been involved in other Municipality where the Municipal water system did not have sufficient pressure to supply the sprinkler system. Unless you get down to two dwelling units you are going to have to sprinkler it.

Mr. Milliken: Four units requires a sprinkler system.

Mr. Horan: That maybe something you want to look at. Having to sprinkler it or not sprinkler it is a big difference cost wise. This being a total redo they are going to have to do the whole building.

Mr. Haas: What are the chances you will come back and go for three apartments instead of four apartments if you didn’t have to do sprinklers? If we approved four, they can do three and won’t have to come back.

Mrs. Roberti: Correct.
Mr. Josiah: I get your point and just to add the cost effect is what the owner is looking at. That’s why he asked for the four bedrooms it would be worth his investment and he is willing to do that. He’s not just looking at short term, he’s looking at long term.

Mr. Horan: One of the things you want to look at is four versus three. The big difference in cost is sprinkler. If you can get a product that does not have to be sprinkler.

Mr. Casella: You also want to make it more marketable.

Mr. Horan: Once you get to three and four you are looking at handicap accessibility issues.

Mr. Josiah: Yes, we have that covered.

Mr. Milliken: We plan on making one of the apartments handicapped accessible.

Mrs. Roberti: Keeping that in mind and this is not for this board but when you redo the plans for the Planning Board you might want to make sure you don’t need a handicap spot. You might want to consider visitors spaces.

Mr. Milliken: We do plan to have accessible spot if that is what’s required but I don’t think it’s required for a building like this.

Mr. Horan: If you are going to have a handicap unit it would require accessible spot.

Mr. Milliken: Whether it is required or not it is right there at grown level.

Mr. Horan: Another thing is they are pretty marketable in this real estate market.

Mr. Milliken: All things considered I think it’s a good idea.

Mrs. Roberti: You have more back yard to add another two or three spots.

Mr. Milliken: We will see. We didn’t want to encumber the site too much. Obviously we are here to hear your suggestion and so far comparing this site to other sites around the area it seems appropriate.

Mr. Horan: If you can get us a history of how the property has been marketed as a commercial use to the extent that it’s been
marketed as commercial use and no one has bitten. That's some evidence that the Zoning Board can look at.

Mr. Josiah: I have that information.

Mr. Horan: In some respect it goes to the issue of hardship. If you have a commercial space that you can’t sell but you think you can convert it to a residential space and rent it out. I think there’s a pretty universe of information right now. The rental market is pretty hot.

Mr. Milliken: I think that was the goal of the owner to make it as usable as possible.

Mr. Horan: If it's been listed as commercial and if you have that information it would be useful if anybody wants to challenge it that’s something that the board might consider in its deliberation.

Mr. DellaCorte: I know this is something that Jim touched on. Parking there is extremely tight and we noticed it when we were there. Mentioning getting company and maybe a handicap spot that would take up more space.

Mr. Horan: Are the spots lined currently?

Mr. Milliken: They are not lined back there. It may have been lined some time ago.

Mr. DellaCorte: From All Angels Hill Road they are all facing back.

Mr. Milliken: In order to accommodate we are thinking about redoing the front of the building. As far as the number of spots I’m just going by what the requirements are.

Mr. DellaCorte: The access is right off that road too.

Mr. Milliken: We are planning on widening the driveway by a couple of feet.

Mr. Horan: Is that driveway on All Angels Hill Road?

Mr. Milliken: Yes.

Mr. Horan: So you need a County permit.

Mr. Galotti: You will go before the Planning Board and they will review all of that.
Mrs. Roberti: This will all be scrutinized.

Mr. Casella: You do have the space back there to enlarge.

Mr. Milliken: A little bit. You are right it is tight no doubt about it. The spaces do fit but it’s not like you can do donut back there.

Mr. Haas: I haven’t seen this so Saturday I’m going to take a ride over there and look. You don’t have to do anything. I just want to walk around.

Mrs. Roberti: Bob, you might want to reach out to Shailesh maybe he’ll want to meet you there.

Mr. Haas: Alright, I’ll send him a note.

Mr. Casella: Any other questions from the board?

Mr. Haas: I’m good.

Mr. Casella: Our next meeting is going to be on September 24th.

Mr. Milliken: That will be the public hearing?

Mr. Casella: Correct. The public hearing will be on September 24th.

Mr. DellaCorte: Thank you gentlemen.

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

Respectfully Submitted,

Adjourned: 7:40 pm
Bea Ogunti
Secretary
Zoning Board of Appeals