

MINUTES

**Town of Wappinger
Zoning Board of Appeals
September 24, 2019
Time: 7:00PM**

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

Summarized Minutes

Members:

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

Others Present:

Ms. Cobb	Town Attorney
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

John D. Grogan	Variance granted
479 All Angels Hill Road Apartment House	Adjourned to October 8, 2019

Discussion:

Keith & Mary Beth Barrack	Public Hearing on October 8, 2019 Site Visit on September 28, 2019
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Video of the September 24, 2019 Zoning Board of Appeals Meeting:

<https://www.youtube.com/watch?v=6zkuLZJ--vY>

Mr. Haas: Motion to accept the Minutes from September 10, 2019.

Mr. Shah: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: I just want to give the applicants a heads up. Tonight is a four member board so you can choose to go forward with the Public Hearing or postpone.

Mr. Pilon: We will move forward.

Public Hearing:

Appeal No. 19-7684 (Variance)

John D. Grogan: Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-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
John D. Grogan – Applicant

Mr. Haas: Motion to open the Public Hearing.

Mr. Shah: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Please state your name and tell us what the variance is about.

Mr. Pilon: Good evening. My name is Paul Pilon with S&P Architects. I'm here tonight with my client John Grogan who lives at 91 Old Hopewell Road. The Grogan's would like to put an addition on their home. They would like to put an 18' x 18' bedroom on the first floor. As they start to age a little bit they would like to have one floor living. If you look at the site plan that has been provided there is basically one location that we have to put this addition on. On the west side of the house is their driveway so they really can't put it there and on the rear of the house inside the building there are a set of stairs that are limiting us to get access to the back of the house. There are some septic items

in the rear yard and the front yard is the area where we are having problem with the setbacks. Which leads us to the east side of the building where we are proposing to put this addition.

Mr. Galotti: We were all at the site visit at the same time and we can understand what you are up against and where you want to put this addition. Is there anyone in the audience who would like to speak for or against this variance? Are there any questions from the board?

Mr. DellaCorte: No.

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

Mr. Haas: **Motion to grant the applicant 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 not substantial and it will not have any adverse or physical effects to the neighborhood. The difficulty is self-created.**

Mr. Shah: Second the Motion.

Roll Call Vote:

Mr. Shah	YES
Mr. DellaCorte	YES
Mr. Haas	YES
Mr. Galotti	YES

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
Abby Josiah – Applicant

Mr. Galotti: I will say the same thing to you. It's only four member here tonight so it is your choice whether you want to proceed.

Ms. Cobb: Since the public hearing has been noticed, what you should do is open the public hearing and then at the conclusion of the public hearing you can decide whether you want to adjourn or close it. That will be at the applicant's option. Otherwise you will have to re-notice and republish and that will be a lot of hassle and it's not worth it.

Mr. Haas: Motion to open the Public Hearing.

Mr. Shah: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Gentlemen, please describe what you need and why you need it.

Mr. Milliken: The current occupancy is a ceramic studio in the lower floor and the back half of the building. There is also a two bedroom apartment upstairs with a relatively small apartment. The ceramic studio has been out of business for a while so most of the building is vacant. A new owner has purchased the property and would like to get a better use of the property and also provide small modest rental apartments for this area. That's the basic goal.

Mr. Galotti: Would the owner consider a plan with three dwelling units?

Mr. Milliken: Obviously it would be an improvement than what is there right now.

Mr. Galotti: The board would prefer seeing a plan with three bedrooms therefore reducing your variance requirements. Lisa, would we adjourn the public hearing?

Ms. Cobb: If the applicant is amendable to that then the public hearing will be adjourn. The applicant would then modify their plan and come back with a three dwelling unit proposal to the board.

Mr. Milliken: We would definitely consider that but keep in mind that the number of bedrooms will still likely be the same. That's really the impact on the lot and that's the issue here. There are other properties locally that are similar in nature with multiple apartments in the buildings.

Ms. Cobb: In this case the code is written such as the variance is applied to dwelling units rather than bedrooms. One of the board's obligation is to grant the least variance possible. So while the number of bedrooms stays the same, the Board would be able to grant a lesser variance. It seems like that's the preference the Board is expressing at this point to have three dwelling units rather than four. Even if the bedroom count were to stay the same.

Mr. Haas: I want to go on record addressing the three variances. The first one that's what it is and you can't do anything about that. The second one also stands by itself whether it's three or four bedrooms. The variance for the third one is huge. It is very large and there's a significant reduction in that variance going from four to three bedrooms. I would prefer to see it reduced by 25 percent.

Mr. Milliken: I will have a conversation with the owner.

Mr. Josiah: We will prepare for that and that would be an amicable compromise.

Ms. Cobb: Before adjourning the public hearing the board wants to make sure there's no one in the audience who wishes to address this application. You can adjourn until next month and the applicant in the interim can provide their revised plans.

Mr. Galotti: Is there anybody in the audience who would like to speak on behalf of this variance? If not, at this time I will entertain a motion to adjourn the public hearing.

Mr. Haas: **Motion to adjourn the Public Hearing to October 8, 2019.**
Mr. DellaCorte: Second the Motion.
Vote: All present voted Aye.

Mr. Haas: So what will happen on October 8th?

Ms. Cobb: Hopefully prior to that the applicant would have submitted some plans that you may consider that will have a three dwelling option instead of a four. You can have any discussion with the applicant at that time about the plans as modified. It would be deemed a modified variance in consideration of that variance for three dwelling unit.

Discussion:

Appeal No. 19-7685 (Variance)

Keith & Mary Beth Barrack: Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **25 feet** to the side is required, the applicant can provide **11.5 feet** for the construction of a 24' x 24' detached garage, thus requesting a variance of **13.5 feet**. The property is located at **4 Glenbrook Court** and is identified as **Tax Grid No. 6258-01-401980** in the Town of Wappinger.

- Mr. Galotti: Good evening. Please state your name and address for the record.
- Mr. Barrack: Keith Barrack, 4 Glenbrook Court, Wappingers Falls.
- Mr. Galotti: Please give us a brief description of what you need and why you need it.
- Mr. Barrack: I had a 2-car garage and my mother had two strokes so we turned that into an apartment for her so I lost a garage. So I would like to have a 2-car garage on the side of it obviously detached. It is tough to get her in and out of the car in bad weather with rain and so forth.
- Mrs. Roberti: For the record, you are attaching to the house where the breeze way is, right?
- Mr. Barrack: Correct.
- Mr. Haas: It has to be attached or you are looking for a second variance. It is not attached. It is in the front yard.
- Mr. Barrack: No, it's attached.
- Mr. Haas: It is physically attached to something.
- Mr. Barrack: It is all in uniform with the house.
- Mr. DellaCorte: Did you provide any drawings of how it is supposed to look later?
- Mr. Galotti: As far as the exterior adding the garage will be the same as the house?
- Mr. Barrack: Yes, everything.

Mr. Galotti: It looks straight forward. Are there any other questions from the board?

Mr. DellaCorte: I was going to ask you where the garage was going. Looks like you have a driveway and no garage obviously.

Mr. Barrack: Correct.

Mr. Galotti: We are going to do a site visit so we know what you are doing. We will schedule that for this Saturday around 9:00am if all of the Board members can make it. If you could outline the footprint of your garage and addition and identify the property line.

Mr. Barrack: There is a stick there.

Mr. Galotti: Perfect. If you can with paint or put a ribbon around the footprint of your garage to see how it fits in that space. Nothing elaborate.

Mr. Barrack: Sure.

Mr. Galotti: So we will be at your house on Saturday around 9:00am and your public hearing is October 8, 2019.

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

Respectfully Submitted,

Adjourned: 7:27 pm

Bea Ogunti
Secretary
Zoning Board of Appeals