

MINUTES

**Town of Wappinger
Zoning Board of Appeals
March 8, 2016
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Prager	Chairman	Present
Mr. Casella	Member	Present
Mr. Johnston	Member	Present
Mr. Galotti	Member	Present

Others Present:

Ms. Valk	Conflict Attorney for Town
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Adjourned Public Hearing:

Stewart's Shops Corp. #325	Adjourned to April 12, 2016
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Public Hearing:

Susan Sonnenberg	Variance Granted
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Discussion:

RADD Automotive	Public Hearing on March 22, 2016
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Donald Ross	Public Hearing on March 22, 2016
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Interpretation:

RJA Holdings, Inc.	Denied / Decision upheld
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Mr. Galotti: **Motion to approve the Minutes for the March 8, 2016.**
Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Adjourned Public Hearing:

Appeal No. 15-7544: (Variance)

Stewart's Shops Corp. #325: Seeking an area Variance of Section 240-52(A) & 240-52(E) of District Regulations in a CC Zoning District. The applicant is currently before the Planning Board for an amended site plan and Special Use Permit to add a gasoline filling station to the existing Stewart Shop.

-Where **1000 feet is required** from a residential district, the applicant can provide **200 feet**, thus **requesting a variance of 800 feet** to allow issuance of a Special Use Permit for a proposed gasoline filling station.

-Where **2,500 feet is required** between gasoline filling stations, the applicant can provide **1,425 feet**, thus **requesting a variance of 1,075 feet** to allow issuance of a Special Use Permit for a proposed gasoline filling station.

The property is located at **2048-2054 Route 9D** and is identified as **Tax Grid No. 6056-02-776904 & 6056-02-783920** in the Town of Wappinger.

Ms. Valk: I did ask the applicant if they would like a further adjournment or what their intentions are given the interpretation.

Mr. Prager: I don't believe anybody is here from Stewart's Shops.

Ms. Valk: I would see no further opposition to asking for a further adjournment if the applicant would like to consider what their next steps would be.

Ms. Cobb: As it stands now, the current proposal we've been talking about was the alternative and the original proposal is still on the table. I don't think Stewart's Shops has formally adjourned it and they may decide they want to come to the table with this issue. I would hate for their rights to be implicated as well so I think we need to have some discussion.

Mr. Prager: Can we just adjourn this to another meeting date?

Ms. Cobb: I think 30 days would be appropriate.

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

Mr. Casella: **Motion to adjourn the Public Hearing to April 12, 2016.**
Mr. Johnston: Second the motion.
Vote: All present voted Aye.

Public Hearing:

Appeal No. 16-7573 Variance

Susan Sonnenberg: Seeking an area variance Section 240.30(b) and 240-53 of District Regulations in an R-40 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 an addition of 672 square feet for a 24' x 28'** detached garage with accessory apartment, thus requesting a **variance of 72 square feet.**

-Where the maximum size of an accessory apartment shall be subordinate in area to the principal dwelling and shall not exceed **35%** of the gross floor area of said principal dwelling and in no event exceed 1,000 square feet of gross floor area, the applicant can provide **49.7%**, thus requesting a **14.7%** variance. The existing house is **1352 square feet** and the proposed house is **672 square feet.**

The property is located at **135 Cedar Hill Road** and is identified as **Tax Grid No. 6257-03-328325** in the Town of Wappinger.

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

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

Mr. Galotti: **Motion to grant the applicant the variance and I don't believe the benefit can be achieved by any other means. It certainly won't create any undesirable change in the character of the neighborhood. Whether the request is substantial is open to interpretation and you need the square footage for what you are trying to accomplish. It will not create any adverse effect to the environment. Additionally, we would like to stipulate that the shed be taken down at the time the garage is being built.**

Mr. Johnston: Second the Motion.
Vote: All present voted Aye.

Discussion:

Appeal No. 16-7575 (Variance)

RADD Automotive: Seeking an area variance Section 240-16C (1)(d) of District Regulations in an R-20 Zoning District.

-Where **40 feet** to the side yard property line is required, the applicant can only provide **35 feet** for the construction of a **40' x 50'** storage building, thus requesting a variance of **5 feet.**

The property is located at **1441 Route 376** and is identified as **Tax Grid No. 6259-04-840023** in the Town of Wappinger.

Present: Alfred Cappelli – Architect

- Mr. Prager: Good Evening. Come on up and state your name for the record.
- Mr. Cappelli: Alfred Cappelli, Architect for the applicant.
- Mr. Prager: Please explain why you are here.
- Mr. Cappelli: If you remember, we were here a year ago and then we had to go to the Planning Board. We were here specifically at the time to put an addition to the facility. In cooperation with the Planning, Zoning and everyone, it was decided to clean up the site, eliminate some of the storage sheds and storage containers and build a detached building. It was submitted and approved by the Planning Board. Here's the site plan illustrating the building location in relation to the property line. We are in a residential zone so all of the setbacks are doubled. In this zone I need 20 feet to my side yard but because we are a commercial use, I need 40 feet. So we have 40 feet on the approved plan and I submitted their package and there's a survey with the proposed building location that will staked 40 feet from the property line. The owner wanted to move the building a little bit closer to his main building and as you can see the property line is not parallel with any of the buildings. In moving that building forward and not paying attention to the offset stakes that were set by the surveyor, the foundation was constructed 35 feet to the property line instead of 40 feet. So we have only a foundation which we couldn't go any further without submitting that foundation location. Therefore, we are here seeking a 5 feet variance.
- Mr. Prager: What are they using the building for?
- Mr. Cappelli: Storage for parts, tires, and other elements since his building is very small.
- Mr. Casella: This is all fenced up?
- Mr. Cappelli: Yes. He keeps a clean operation with no cars in the front. In the evening, he parks everything in the back behind the fence.
- Mr. Prager: We will schedule a site visit for Saturday at 9:00am and a Public Hearing for March 22nd.
- Mr. Cappelli: I will be there and thank you.

Appeal No. 16-7574 Variance

Donald Ross: Seeking an area variance Section 240-37 of District Regulations in an R-20 Zoning District.

-Where **20 feet** to the side yard property line is required, the applicant can only provide **13 feet** for the addition of a **12' x 16'** living room, thus requesting a variance of **7 feet**.

The property is located at **50 Top O Hill Road** and is identified as **Tax Grid No. 6359-03-004014** in the Town of Wappinger.

- Mr. Prager: Mr. Ross, How are you? Basically what we do here is look over the information you gave us and if we need any other information, we will ask you to bring it to the Public Hearing. We will also set a site inspection like we did for the other property. So please go ahead and tell us what you need.
- Mr. Ross: I'm Donald Ross and I live at 50 Top O Hill Road. The house is a 44' x 24' raised ranch, the living and dining rooms are very small roughly 12' x 12'. We are getting up in age, the kids and grandkids are coming over and it's pretty tight in the living room so we thought to put an addition on to make the living room bigger. We originally wanted to building to the right but with the 20 feet setback, it would be too close
- Mr. Prager: I'm looking at the plan, is that in the front?
- Mrs. Roberti: It might be easier if I explained. When Mrs. Ross came in, they originally had it planned for the side and they would have had only 2 feet to the property line. I encouraged her to look for another avenue. They are looking now to put it in the front so they have enough of a setback and their living room will be increased.
- Mr. Prager: But that's not what their application says.
- Mr. Johnston: It says on the side.
- Mrs. Roberti: They still will need a variance to the right side.
- Mr. Johnston: Is your plan for the addition going to stay to the right side of your house?
- Mr. Ross: Yes, it's going to stay even with the right side of the house.
- Mr. Prager: We will do a site inspection at your house on Saturday around 9:15am. I would like you to mark out where you plan on putting the addition. Do you have a plan what it's going to look like after it's built?
- Mrs. Ross: Basically what the front of the house looks like now, it's going to be brought forward more toward the street.
- Mr. Johnston: Is the property line marked?
- Mr. Ross: Yes, we recently got it surveyed and they staked it.
- Mr. Johnston: Okay so we can see where the property line is.
- Mr. Prager: We will schedule a Public Hearing for March 22, 2016.

Appeal No. 16-7571 (Interpretation)

RJA Holdings, Inc./Route 9D Project: Seeking an Interpretation of the Determination from the Zoning Administrator in regards to whether the revised application of R.J.A. Holdings, Inc. falls within Section 5 of Local Law #1 of 2015 which states, as follows: The zoning amendment

herein shall not apply to any property for which an application for site plan or sub-division approval has been properly filed with the Town of Wappinger as of the effective date of this local law. The property is located at **2054 Route 9D** and is identified as **Tax Grid No.6056-02-783920** in the Town

Present: Lisa Cobb – Attorney
Robert Macho – Applicant

Mr. Prager: Read the decision into the record.

Mr. Galotti: Motion to accept Barbara Roberti’s Interpretation of the Determination.

Mr. Johnston: Second the Motion.

Roll Call Vote: Mr. Prager Aye
Mr. Casella Aye
Mr. Galotti Aye
Mr. Johnston Aye

Respectfully Submitted,

Adjourned: 7:50 pm

Bea Ogunti
Secretary
Zoning Board of Appeals