

MINUTES

**Town of Wappinger
Zoning Board of Appeals
August 23, 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
Mr. Travis	Member	Present

Others Present:

Mrs. Roberti Zoning Administrator
Mrs. Dao for Mrs. Ogunti Secretary

SUMMARY

Catherine Pendzuk	Public Hearing Adjourned to October 25, 2016
Roxanne Wentworth	Variance Granted
Michael & Dawn Gunn	Variance Granted
Peter & Debra Ball	Variance Granted
Mid-Hudson Holdings, LLC	Variance Granted

Mr. Galotti: **Acceptance of the Minutes from August 9, 2016.**
Mr. Casella: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

Appeal No. 16-7588 (Variance)

Catherine Pendzuk: Seeking an area variance Section 240-37 and 240-30 of District Regulations in an R40 Zoning District.

-Where **no more than two accessory buildings shall be permitted in any 1-Family Residence District., the applicant is requesting a variance to allow three sheds to remain (two have Shed Amnesty- 8’x12’ & 10’x20’) and for the construction of a 12’ x 30’ carport to enable homeowner to store items in yard,** thus requesting a variance to allow three sheds.

-Where **Outdoor storage of 1 auto trailer or 1 unoccupied recreation vehicle or 1 boat or 1 other single vehicle owned by the residents of the premises, provided that such trailer, boat or other single vehicle is effectively screened from adjoining properties. Such storage area shall comply with all minimum yard setback requirements for buildings for buildings, but in no case shall it be permitted in the front yard, the applicant is requesting a variance to allow three trailer/campers to remain.**

The property is located at **20 Valley Road** and is identified as **Tax Grid No. 6258-02-936733** in the Town of Wappinger.

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

Mr. Prager: Please come up and state your name for the record.

Mr. Harten: Edward Harten.

Mr. Prager: Ms. Pendzuk, please come up and state your name for the record.

Ms. Pendzuk: Catherine Pendzuk.

Mr. Prager: Ms. Pendzuk, you live at 8 Sheraton Drive and I believe Mr. Harten you live at 20 Valley Road?

Ms. Pendzuk: Yes.

Mr. Harten: Yes.

Mr. Prager: Please explain exactly what you want and we will discuss our site inspection.

Mr. Harten: I want to put up a 12' x 30' carport so I can put stuff behind and in it. When you were there for your inspection, there were two unregistered vehicles on the property. One is sold and will be out of there within a week or two. I'm not keeping the catamaran trailer it broke so that's going.

Mr. Prager: So you are not keeping the catamaran?

Mr. Harten: Correct.

Mr. Prager: As you know we did the site inspection last Saturday and there are a lot of things around that needs to be cleaned up. So you say that one of the cars that were in the back is gone?

Mr. Harten: Yes. One of them is going.

Mr. Prager: What's happening with all of those propane tanks?

Mr. Harten: There's a gas grill and we use propane.

Mr. Galotti: There were several of them there.

Mr. Prager: There were quite a few of them back there.

Mr. Galotti: There were two cars in the back. I believe an SUV and a Chevy S10.

Mr. Harten: Yes.

Mr. Galotti: Is the Chevy S10 going?

- Mr. Harten: The Chevy S10 I'm planning on keeping at the moment because it's a running truck and the Bronco is sold.
- Mr. Galotti: What's about the Hobie Cat?
- Mr. Harten: I'm trying to donate that to Chelsea. They've got sailing clubs for kids.
- Mr. Prager: What's the electric line we saw going across the lawn?
- Mr. Harten: It's a battery recharger.
- Mr. Prager: Is that legal?
- Mrs. Dao: No. Extension cords are not legal.
- Mr. Galotti: There were several propane tanks out there. I'm guessing 8 to 10. They were in disrepair and for your own safety you have to get them out.
- Mr. Travis: Barbara, are there currently property maintenance violation codes on the property in your office?
- Mrs. Roberti: Yes. Mr. Harten received a couple of violation notices and that's what brought him in. He did clean up some things over the last two years. He wanted to keep one of the sheds and add another one to store a lot of the stuff. I was not able to go in the backyard and I could only see things from the road.
- Mr. Prager: Since you say you are getting rid of some of the things and there are a lot of things we feel you should get rid of. So instead of closing this Public Hearing, is there anyone in the audience who would like to speak for or against this variance?
- Mr. Gregory: Kevin Gregory, 26 Lormar Court, Wappingers Falls, NY. I live below them in the back. In the winter time it looks like you are looking at a junkyard. I pay a lot of taxes and I keep my yard very nicely. My neighbor, Eric Hepp could not make it here tonight. He said he was going to write a letter. He looks out

his window and he sees all of this. If you sit on my deck, it looks like a junkyard. I would prefer that they got rid of all of the trailers personally. I don't want to look at it.

Mr. Prager: Ed, do you know what shed this gentleman is talking about? The one down the hill by the two cars, is that the one with the amnesty?

Mrs. Roberti: He has two amnesties? We have the 200 sf, no electric in the rear yard. Is that 10' x 20' Ed?

Mr. Harten: Yes.

Mrs. Roberti: The other one is 168 sf with no electric in the side yard.

Mr. Prager: Is that the wooden one?

Mr. Harten: The one that's there now and the wooden one should be included in the amnesty.

Mrs. Roberti: You couldn't have gotten more than two because we don't allow more than two sheds on a piece of property. The amnesty was put in place by Joe Ruggiero, the supervisor then. It was put in place to help legalize the mass amount of sheds that didn't have building permits. So as to not penalize residents, every resident in the Town back in 2011 received a letter with a window of 6 months if you came in and applied and bring in a picture, the Town would grant you an amnesty so we could move forward.

Mr. Prager: So that would be for the wooden shed.

Mrs. Roberti: Just one shed in the front and side for 168 sf, and another one in the back that's 10' x 30'.

Mr. Prager: Is there a third shed?

Mrs. Roberti: Back when this was done, no one went out to actually verify it. We just took the people at their word and that's the unfortunate thing.

Mr. Travis: Maybe the Zoning Administrator needs to go out there and do an inventory to see what's out there. I don't think that one shed is going to clear up all of that.

Mr. Prager: I think that falls under what I was suggesting. I also have an email here from Eric Hepp. Barbara, you spoke to this gentleman?

Mrs. Roberti: Yes, I spoke with Mr. Hepp this morning.

Mr. Prager: Where does he live?

Mrs. Roberti: He lives at 24 Lormar Court. He's out of town right now on business and he's asked me if he could weigh in and I told him we need it in writing. He texted this to me and I received this on my personal phone.

Mr. Prager reads out Mr. Hepp's note to Barbara.

Mr. Prager: Is there anybody else in the audience who would like to speak for or against this variance?

Mr. Casella Just to clarify, you have three sheds on the property. So you have a 10' x 12' which is the wooded shed, the 10' x 20' and the lower one 10' x 20, correct?

Mr. Harten: I have the 10' x 12' wooden shed, 10' x 20 metal shed and 10' x 20' carport and the 12' x 30' is going in.

Mr. Prager: I would like to adjourn this Public Hearing two months to give you an opportunity to clean up your yard because if not I believe we go to legal.

Mrs. Roberti: If we adjourn this. At this point if the yard doesn't get cleaned up of all of the violations, we would have no choice but to commence legal action. Unfortunately, the house is in your name so the action would be brought against you are not an owner of record. This is something you are going to have to collaborate on to clean up this yard. They are giving you two months and I'll do a site visit within the next two weeks and I

will make a list for you. If it so pleases the board, they can have you back.

Mr. Harten: If you make an appointment with me, I will be there.

Mrs. Roberti: Absolutely.

Mr. Prager: We are going to adjourn this to October 25th.

Mr. Gregory: Will I be notified?

Mrs. Roberti: No. You are being notified now. We don't republish for an adjourned Public Hearing.

Mr. Prager; I'm sure if you have any questions, you can get a hold of Mrs. Roberti.

Mr. Casella: So Barbara, any expectations as to what you want to see cleaned up?

Mrs. Roberti: I will make an appointment with Mr. Harten within the next week or so, I'll go out, make a list and take a lot of photographs and will mail him a hard copy of what has to be done within the next two days. I will forward you a copy as well and I'll go back out before October 25th. He can come in and you can discuss this with him and at that time you might want to do another site inspection.

Mr. Prager: We will do another site inspection for ourselves.

Mr. Casella: Motion to adjourn the Public Hearing to October 25, 2016.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Appeal No. 16-7589 (Variance)

Roxanne Wentworth: Seeking an area variance Section 240-37 of District Regulations in an R20/40 Zoning District.

-Where **75 feet** is required from a state or county road, the applicant can only provide **34 feet** for the construction of a **5' x 12'** front deck, thus requesting a variance of **41 feet**.

The property is located at **53 Middlebush Road** and is identified as **Tax Grid No. 6157-02-531890** in the Town of Wappinger.

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

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: Please come up and state your name for the record.

Ms. Wentworth: Roxanne Wentworth.

Mr. Prager: Tell us a little bit about what you need and why you need it.

Ms. Wentworth: The property was never measured from where a new porch would end to the center line in the road and that was done Saturday morning. I think it was verified to with Bob and Al that it's 61.5 feet from where the new steps would end to the center line of the porch so it's not 24 feet and that was an error on my part.

Mrs. Roberti: We don't measure from the center line on a County road. You need 75 feet to your property line.

Ms. Wentworth: I thought it was to the center line.

Mr. Johnston: Where did they measure from?

Mrs. Roberti: So the measurement that we adjusted at the last meeting was that you had 34 feet from where your steps would land to your property.

Ms. Wentworth: Then we found out that it was the center line.

Mrs. Roberti: Let's go back to your property line. Is it 34 feet from where the deck steps would land to your property?

Ms. Wentworth: I don't know because we measured 9 feet out from where the steps would end to the center line and the road because we thought what should have been the true measurement.

Mrs. Roberti: That's what you did on Saturday. Where did you get these measurements from before the last meeting?

Ms. Wentworth: The 34 feet?

Mrs. Roberti: Yes.

Ms. Wentworth: That's where he put one foot before the other.

Mrs. Roberti: You don't customarily own the first 12 feet on a Town road so it could be a little more on a County road. I would venture to say you only probably got 30 feet from the line to the property line.

Ms. Wentworth: So you just want to go from the steps to 12 feet in from my property line.

Mrs. Roberti: Yes. I think 30 feet is probably correct.

Mr. Prager: I also have a form here from Dutchess County Department of Planning and Development and they determined that it's a matter of local concern.

Mr. Johnston: Are you going to make the porch out of wood and are the stairs going down be made out of wood?

Ms. Wentworth: It will all be wood.

Mr. Johnston: The porch is there already so basically you will only be extending the amount that's necessary for the stairs.

Ms. Wentworth: It will go out 9 feet.

Mr. Johnston: Right.

Mr. Prager: Is there anyone else in the audience who would like to speak for or against this variance?

Mr. Casella: Motion to close the Public Hearing.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Casella: Motion to grant the variance. So where the benefit can be achieved by any other means feasible by the applicant, probably not. It is basically replacing the cement porch that you have to a wood porch a couple of feet and it's not a big variance. It is not an undesirable change and actually a safety issue. It's not really substantial and does not have any physical or environmental effects even though it's self-created, it's a small variance. Therefore, I make a motion to grant the applicant the variance.

Mr. Johnston: Second the Motion

Roll Call Vote:	Mr. Casella	YES
	Mr. Galotti	YES
	Mr. Johnston	YES
	Mr. Travis	YES
	Mr. Prager	YES

Ms. Wentworth: Thank you.

Appeal No. 16-7590 (Variance)

Michael & Dawn Gunn: Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **25 feet** to the side yard property line is required, the applicant can only provide **16 feet** for the installation of a 24' above ground round pool, thus requesting a variance of **9 feet**.

-Where **25 feet** to the side yard property line is required, the applicant can only provide **20.5 feet** for the construction of a deck on both sides of the pool, thus requesting a variance of **4.5 feet**.

The property is located at **105 Brothers Road** and is identified as **Tax Grid No. 6358-03-080435** in the Town of Wappinger.

- Mr. Prager: Please come up and state your name for the record.
- Mr. Gunn: Michael Gunn.
- Mr. Prager: We were at your house for an inspection, but for the audience please tell us what you need and why you need it.
- Mr. Gunn: I want to install a 24 feet pool and a decking around it. I don't have the property distance between my yard and the two structures that I need so I need a variance for that.
- Mr. Casella: When we were out there, did you change the amount of variance that you need by 4 feet?
- Mr. Gunn: I did. I have paperwork for that.
- Mr. Casella: How much of a variance do you need?
- Mr. Gunn: For the deck and not for the pool. I can provide 20.5 feet for the deck portion so I am asking for 4.5 feet variance. The pool portion remains the same.
- Mr. Prager: So 4.5 feet instead of 10 feet.
- Mr. Gunn: Correct.
- Mr. Johnston: What are you going to make the deck out of?
- Mr. Gunn: It's going to be wood and compose top.
- Mr. Prager: Is there anybody in the audience who would like to speak for or against this variance?
- Mr. Johnston: Motion to close the Public Hearing.**
- Mr. Galotti: Second the Motion.
- Vote: All present voted Aye.

Mr. Travis: **Motion to grant the variance. I don't believe the benefit can be achieved by any other means and there's no undesirable change to the character of the neighborhood. While the variance might be substantial, there's no adverse physical or environmental effects therefore I grant the applicant the variance.**

Mr. Galotti: Second the Motion.

Roll Call Vote: Mr. Casella YES
 Mr. Galotti YES
 Mr. Johnston YES
 Mr. Travis YES
 Mr. Prager YES

Appeal No. 16-7591 (Variance)

Peter & Debra Ball: Seeking an area variance Section 240.30 of District Regulations in an R-20 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 34' x 30' detached (1020 sf.) garage,** thus requesting a **variance of 420 square feet.**

The property is located at **13 Orange Court** and is identified as **Tax Grid No. 6157-02-900890** in the Town of Wappinger.

Mr. Prager: Hi there. Please come up and state your name for the record.

Mr. Ball: Peter Ball.

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

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: Mr. Ball, please explain to everybody what you want and why you want it.

Mr. Ball: I would like to put up an additional garage on my property for the dimensions mentioned (34' x 30'), purposes of classic parts storage and vehicle maintenance of my own property as well

as a workshop to support my mechanical interests and also large tool storage to support that hobby.

Mr. Prager: As you obviously know, we went out there last Saturday to take a look at the property. Are there any questions?

Mr. Johnston: Once you get the variance to build this garage, so you plan on moving that shed also?

Mr. Ball: We would like to move the shed not because of the garage being built there but we hope to possibly put a deck and a pool. I know that the structure would be too close to that and I would have to apply for a variance so we are going to move the shed to the opposite side of the yard and still remain within our setbacks.

Mr. Casella: Are you planning on putting any trees in the back of the yard?

Mr. Ball: Yes. We are thinking about some green fuchsia since it is thick and something to provide privacy year round.

Mr. Casella: I was thinking the same because when the fall comes in, you can see it in the back.

Mr. Galotti: What's the building going to be sided with?

Mr. Ball: It would be similar to the house when we resided so it will be a vinyl product.

Mrs. Roberti: You don't have a pool anymore?

Mr. Ball: No. The pool is gone but the electric service that fed it is still there.

Mrs. Roberti: The deck to the pool is gone?

Mr. Ball: It's all completely gone.

Mr. Prager: We talked about that you are going to do something later on. Right now it's just plywood over it so they can't come out.

Mrs. Roberti: You have it sealed so it cannot come out?

Mr. Ball: Yes, there's wood screwed to the door.

Mrs. Roberti: I pulled out all of your permits today. There was a screened porch in the back.

Mr. Ball: That was removed. When we purchased the house in 2001, it came with a one year contract and when we looked at it the structure was so rotten and it wasn't worth keeping so we took it down.

Mrs. Roberti: How long has it been since we have no demo permits that this came down?

Mr. Ball: It came down a year from when we bought it.

Mrs. Roberti: So this was demoed in 2002?

Mr. Ball: Yes. Around 2002/2003 and it was a screened in porch that was made out of very small lumber. It wasn't like an established strong structure.

Mrs. Roberti: I may just have one of the building inspector come out and just see the back that it's secured enough because you didn't do it with permit so we really don't know what was done.

Mr. Ball: I took the pool down without a permit too. We were new and didn't know and we didn't want somebody getting in the pool.

Mr. Prager: Is there anybody in the audience who would like to speak for or against this variance? Please come on up and state your name for the record.

Ms. Cohen: Charlene Cohen, 15 Bel Air Lane. I just want to know one thing. Their house is where our backyard faces.

Mr. Prager: So you are in the back.

Ms. Cohen: Yes.

Mr. Ball: Here’s your house and this is where the garage is going to be as far back from the house.

Ms. Cohen: So it’s going to be on the other side.

Mr. Ball: This is a rough rendering of what it will look like.

Ms. Cohen: So it’s going to be a 2-car garage?

Mr. Ball: Yes and there will be a driveway that goes to it.

Conversation continued between Mr. Ball and Ms. Cohen regarding location of the garage.

Mr. Prager: How often are you going to be using this? Are you going to be using it every day?

Mr. Ball: As often as I can get out there. I hope to be out there often.

Mr. Galotti: Motion to close the Public Hearing.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Johnston: Motion to grant the variance with the condition that there is appropriate landscaping in the rear to screen you from your neighbors. As a condition to screen the property, 6 shrubberies (green fuchsia) at a height of 6 feet should be planted across the entire backyard prior to the completion of the garage. The benefit cannot be achieved by any other feasible means. I don’t believe it’s an undesirable change to the neighborhood and it’s not substantial. Based on that, I think the variance should be granted.

Mr. Casella: Second the Motion.

Vote: All present voted Aye.

Roll Call Vote:	Mr. Casella	YES with the conditions
	Mr. Galotti	YES with the conditions
	Mr. Johnston	YES with the conditions
	Mr. Travis	YES with the conditions
	Mr. Prager	YES with the conditions

Appeal No. 16-7592 (Variance)

Mid Hudson Holdings, LLC: Seeking an area variance Section 240-30 and 240-37 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 a 30' x 46' detached garage (1380 sf.)**, thus requesting a **variance of 780 square feet**.

-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 height of 21.5 feet for a detached garage**, thus requesting a **variance of 1.5 feet in height**.

The property is located at **15 Caliburn Court** and is identified as **Tax Grid No. 6257-04-597488** in the Town of Wappinger

Mr. Casella:

Motion to open the Public Hearing.

Mr. Johnston:

Second the Motion.

Vote:

All present voted Aye.

Mr. Prager:

Good evening.

Mr. Goetz:

My name is John Goetz and I am the applicant. I am in contract to build a single-family dwelling and a detached garage on Lot 1 in the Ridges subdivision that is 15 Caliburn Court. An integral part of this contract with Mr. Robert Barone is to construct this detached garage. Mr. Barone is an avid car collector and he has no intention of doing any type of commercial work. I was not aware of the limitation on the side of a detached garage when I went into contract with Mr. Barone or I would have been here prior to this.

Mr. Prager:

We have some plans here of what your house is going to look like.

Mr. Goetz:

The garage is double wide and is deeper than usual. I believe Mr. Barone wants to get two cars deep.

Mr. Travis:

From the street it looks like a two standard 2-car garage.

Mr. Galotti:

The garage is going to be constructed the same as the house, similar siding, right?

Mr. Goetz:

Right. I provided the secretary some renderings of that and you also have the house there.

Mr. Prager: I believe when we did the site inspection the gentleman that was there said there's no storage above but I couldn't remember.

Mr. Barone: It's just going to be for storage of spare parts.

Mr. Goetz: It's going to be an unfinished area.

Mr. Prager: So you won't be coming back in 6 years for a variance to put things up there?

Mr. Barone: No.

Mr. Johnston: What's the distance between the back of your house and the beginning of the garage?

Mr. Goetz: The rear of the house and the beginning of the garage is no more than 20-25 feet.

Mr. Prager: Are you going to have a driveway going to the garage?

Mr. Barone: We will have a paved driveway going to the house.

Mr. Johnston: A driveway to the rear garage will have to conform to the specifications.

Mrs. Roberti: The way he has it layout on the plot plan that's attached, meets the code in all directions.

Mr. Prager: Is there anyone in the audience who would like to speak for or against this variance?

Mr. Casella: Motion to close the Public Hearing.

Mr. Johnston: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Motion to grant Variance No. 1. I don't believe the benefit can be achieved by any feasible means and it will not create an undesirable change to the neighborhood. The garage is extremely deep and you have plenty of screening on either sides and I don't think that this is going to be a problem. The request is substantial in nature however it won't create any adverse effects to the neighborhood.

Mr. Casella: Second the Motion

Roll Call Vote:

Mr. Casella	YES
Mr. Galotti	YES
Mr. Johnston	YES
Mr. Travis	YES
Mr. Prager	YES

Mr. Galotti:

Motion to grant Variance No. 2. I don't believe the benefit can be achieved by any feasible means and it will not create an undesirable change to the neighborhood. The request is not substantial and there will be no adverse effects to the neighborhood.

Mr. Johnston:

Second the Motion.

Roll Call Vote:

Mr. Casella	YES
Mr. Galotti	YES
Mr. Johnston	YES
Mr. Travis	YES
Mr. Prager	YES

Respectfully Submitted,

Adjourned: 7:55 pm

Bea Ogunti
Secretary
Zoning Board of Appeals