

MINUTES

**Town of Wappinger
Zoning Board of Appeals
March 13, 2018
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Prager	Chairman	Present
Mr. Casella	Co-Chair	Present
Mr. DellaCorte	Member	Present
Mr. Galotti	Member	Present
Mr. Haas	Member	Present

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Domenick & Nicole Amendolia

Public Hearing opened
Adjourned to March 27, 2018

Robert Costa

Public Hearing opened and closed pending
applicant's decision.

Mr. Galotti: Motion to accept the Minutes from February 27, 2018.
Mr. Casella: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

Appeal No. 18-7638 (Area Variance)

Domenick & Nicole Amendolia: - 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 **10 feet** for the installation of a 20' x 36' in ground pool, thus requesting a variance of **15 feet**. The property is located at **75 Stoneykill Road** and is identified as **Tax Grid No. 6056-02-882750** in the Town of Wappinger.

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

Mrs. Ogunti: Yes, they are.

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

Mr. Prager: Come on up and if you would just state your name for the record.

Mr. Amendolia: Domenick Joseph Amendolia.

Mr. Prager: We had a little discussion a couple of weeks ago about this but for anyone in the audience and for the record explain to us a little bit about what you need and why you need it.

Mr. Amendolia: My family is looking to replace our existing above ground pool with a new in ground pool in our backyard where the existing pool is right now. There was a correction to the distance that I had discussed with some of the board members that came out. It was an error and oversight on my part and the numbers were reversed and that I can provide 10 feet and I was requesting a 15 feet variance versus a 10 feet variance.

Mr. Casella: In order to get this thing approved or not it will need to be republished because the dimensions were incorrect. The notifications have to go out again.

Mr. Amendolia: I don't have to reapply again, right?

- Mr. Casella: No, but unfortunately it has to go back out with the right numbers.
- Mr. Prager: Right, because you are requesting a 15 feet variance.
- Mr. Haas: You are not asking for the setback. You are asking for the variance.
- Mr. Prager: It's a larger variance you are now requesting.
- Mr. Amendolia: What would my options be? Should I go for an additional 5 feet or use the 15 feet?
- Mr. Haas: You can use this application and just apply for a 10 feet variance from the 25 feet setback.
- Mrs. Roberti: The first pool has no bearings on this because the pool doesn't meet the standards for today and the pool he's choosing is different.
- Mr. Haas: If he puts the new pool 15 feet from the property line everything is good.
- Mrs. Roberti: If you choose that way you filled out the application that you had 15 feet and you accept a 10 feet variance. Should they grant it, they have the option of going ahead with a vote because that's the way it was presented. If you choose to go with a larger variance it has to be republished and the neighbors have to be re-notified. If at that time it's granted you will need to come in and change all of the paperwork.
- Mr. Amendolia: On the building permit?
- Mrs. Roberti: Yes.
- Mr. Haas: If you move it over 5 feet does it land on top of your septic?
- Mr. Amendolia: Yes, it does as well as two major trees.
- Mr. Galotti: How much time will it cost the applicant?
- Mrs. Roberti: Two weeks.
- Mr. Amendolia: It will cost two weeks and the cost of the mailings and publication again.

Mrs. Roberti: You paid for this publication, how much was that?

Mr. Amendolia: It was \$82.00.

Mrs. Roberti: Plus whatever it cost you for the mailings.

Mr. Amendolia: Is it okay to ask if you have any inclination that the 10 feet would be considered? Would I be pushing the issue for an additional 5 feet? Can we get something off the record to say it would be worth my time and expense?

Mr. Galotti: So it will cost you two weeks and \$100.00?

Mrs. Ogunti: Yes, because he has to do the mailings as well.

Mr. Amendolia: So it was because it was published with a 15 feet variance? Would there be any consideration that nobody appeared now and I have one neighbor who is here and I have a letter from another neighbor worth it versus going through all of those steps?

Mrs. Roberti: It's on point as a legal issue that if you wanted 15 feet and changed your mind and only wanted a 10 feet variance going smaller and since your neighbors have already been notified, there will be no issue. If you wanted to go larger, your neighbors will have to be notified again. That's just on the legal point because otherwise this could have a defect in the decision.

Mr. Amendolia: Okay.

Mr. Galotti: Motion to adjourn to March 27, 2018.

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

Mr. Amendolia: I will need a new public hearing notice. When can I stop by?

Mrs. Ogunti: Any time after 10:00am.

Mr. Amendolia: I have to redo the building application?

Mrs. Roberti: Yes, and do you have a grading permit on this?

Mr. Amendolia: We did not get that because I knew I needed the variance.

Mrs. Roberti: You will have to change this and pick up the grading permit.

Mr. Amendolia: Then I have to reapply for the building permit?

Mrs. Roberti: You are not reapplying you are just amending the building permit.

Mr. Amendolia: So after 10:00am tomorrow?

Mrs. Ogunti: Yes.

Mr. Amendolia: Thank you very much everybody.

Appeal No. 18-7639 (Area Variance)

Robert Costa: - Seeking an area variance Section 240-37 of District Regulations in an R40 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 30' (900 sf.)**, thus requesting a variance of **300 square feet.**

The property is located at **112 Thornton Terrace** and is identified as **Tax Grid No. 6256-02-750999** in the Town of Wappinger.

Mr. Prager: Come on up and again please state your name for the record.

Mr. Costa: Robert Thomas Costa.

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

Mrs. Ogunti: Yes, they are.

Mr. Casella: Motion to open the Public Hearing.

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: If you would be so kind and explain to us what you need and why you need it.

Mr. Costa: We are looking to put an out building to store mechanical equipment, lawnmower and other outdoor equipment. At some point I would like to finish the basement for my in-laws who are elderly and need a place to go rather than where they are now. That's the long term plan.

Mr. Prager: You are on 1.2 acres?

Mr. Costa: We are on 1.21 acres.

Mr. Prager: I had a couple of questions when I went out in the blizzard this morning.

Mr. Costa: I saw your footprints.

Mr. Prager: From what I understand you have a 25 feet easement next to your property?

Mr. Costa: Correct, 25 feet on either side of the property line.

Mr. Prager: I didn't notice any markers where the property line was.

Mr. Costa: It was marked out but obviously the snow covered it. I know you got to see the tree line. It's on the other side of that.

Mr. Prager: It's on the easement side?

Mr. Costa: Yes, on the east side.

Mr. Prager: Is it actually on the easement? How does that work Mrs. Roberti?

Mrs. Roberti: According to his survey and the filed map, he has a 25 feet easement on his property as he stated and on the other side for a possible completion of Thornton Terrace. Because it's an easement and an additional 25 feet, he cannot be on the edge of the easement. If that ever got continued the road side of his garage would be on the road touching it. This is one of those unusual situations. The only other thing our attorney offered is that if you want to get in touch with the person behind you and the people across from you and look to extinguish the easement. Then you will just be 25 feet from the side and this map will have to be refiled so you will have to go to the Planning Board to extinguish the easement.

Mr. Costa: Moving it 25 feet west towards the leach field is just not possible.

Conversation continues.

Mr. Costa: I would have thought twice if I was made aware of the easement.

Mrs. Roberti: You had a survey that really wasn't clear.

Mr. Costa: It is pretty clear about the 25 feet.

Mrs. Roberti: It was only when the members asked quite a few questions that we looked into it further.

Mr. Costa: So it doesn't go by my property line, it goes by the easement?

Mrs. Roberti: Yes. Your property line runs through the center of the easement. All Town roads are 50 feet wide.

Mr. Prager: It's a very small property for this size of a structure.

Mr. Costa: The structure is 24' x 30' and it's basically the size of a 2-car garage. It's the 6 feet overhang that makes it seem so big.

Mr. Casella: I thought it was a 30' x 30'?

Mr. Costa: The building is 24' x 30' and there's a 6 feet overhang that makes it the 30' x 30'.

Mr. Casella: Is the trailer on the property yours?

Mr. Costa: Yes. That's not normally there. It has been there since the fall.

Mr. Galotti: Is the shed going?

Mr. Costa: Yes, that plastic shed is going.

Mr. Prager: That easement is killing you.

Mrs. Roberti: I didn't ask Jim this question but if you couldn't give him 100% of where he wants it now is on the easement but could you give him a variance from the easement?

Mr. Costa: Even if I could push it over a couple of feet I don't think I could move it any more than 2 or 3 feet without getting into that hill. If we did 24' x 24' it's basically a 2-car garage. Should we make it 24' x 24'?

Mrs. Roberti: It is and I think it's 576 sf.

Mr. Prager: If you go 24' x 24' then you won't have to worry about the size of the shed.

Mr. Costa: I will still have the same issue with the easement, correct?

Mrs. Roberti: Yes, but if you reduced it to 600 sf. you no longer need a variance on size and we can convert the variance that you have already applied to a side yard setback.

Mr. Costa: Which is 10 feet?

Mrs. Roberti: No, It is still 25 feet but they might be able to give you the variance from the easement in 12.5 feet.

Mr. Galotti: Does he have to reapply?

Mrs. Roberti: No, we could do the paperwork in the office and change this.

Mr. Costa: I just need to get things moved out of my house into a barn.

Mr. Galotti: So we are talking about shrinking the building and moving it over away from the easement about 12 feet?

Mr. Costa: If I reduce the size of the building about 6 feet this means that I can move it over another 6 feet.

- Mrs. Roberti: It doesn't have to be 24' x 24' you can do a combination like 18' x 30' or something or a combination of 600 sf. You could make it narrower and deeper.
- Mr. Costa: The issue is that hill and that is what's going to jam me up. I can't move it north or west any further than what it is.
- Mrs. Roberti: Why can't you move it up?
- Mr. Costa: Because of the grading.
- Mr. Prager: If you brought it closer to the house you could gain.
- Mr. Costa: I don't know if it's possible the way it slopes. That's the flattest best section I have so I have to figure something out.
- Mr. Prager: You might want to look at it and see what you can come up with.
- Mr. Galotti: To extinguish the easement is the other alternative.
- Mrs. Roberti: That's your other option but that could get very expensive.
- Mr. Costa: I don't see that as an option because that could take forever.
- Mr. Galotti: If you shrink it and maybe move it around you might be able to make it work.
- Mr. Casella: Does your property narrow as it goes along?
- Mr. Costa: No.
- Mr. Prager: You could probably make it narrower and longer.
- Mr. Costa: It doesn't matter which way the garage door faces because it really doesn't matter, right?
- Mrs. Roberti: Not in residential.
- Mr. Casella: As long as your neighbors are okay with it.

- Mr. Costa: So you guys would like to see 12 or 12.5 feet?
- Mr. Galotti: We would like to see 12.5 feet or 600 sf.
- Mr. Prager: Mr. Maurer, would you like to come up and say something or you are just here to listen?
- Mr. Maurer: No, my daughter is going to speak.
- Mr. Prager: Just state your name.
- Ms. Maurer: Lynette Maurer and I am his daughter. I own one of the properties and I am the trustee of my father's property. We know that anything that Rebecca and Bob build will be good because they always do a beautiful job. We have a couple of concerns. First concern is how do you get to the barn?
- Mr. Costa: This isn't for cars. It's just for lawn and garden equipment.
- Ms. Maurer: We had concerns about drainage only because there is that natural stream. Below us where the two newer homes were built about 10-12 years ago, that natural stream went straight between those two houses. Well they changed the water direction and ran along their right-of-ways just before the Christmas house and under the swale and then rerouted. With the new building and terrain how are we going to manage the water?
- Mr. Galotti: According to the footprint that shouldn't be a problem.
- Mr. Prager: Bob, you are not going to disturb the ground are you? Is this going to be on a slab?
- Mr. Costa: No, it's going to be traditional footings and foundation.
- Mr. Galotti: We were just talking about relocating the building and since it's going to be further away.
- Mr. Costa: I don't think I am going to put gutters on it.

- Ms. Maurer: Is it going to be stick built or modular?
- Mr. Costa: I was initially looking at a pole barn. It is going to be traditional. There will be footings, block foundation and it will be stick built. So obviously there will be concrete floor.
- Mr. Prager: We have a picture of it and I think the only thing that's going to be different is the size. I'm assuming you are going to keep the same style?
- Mr. Costa: Yes.
- Ms. Maurer: Will the door be facing your house?
- Mr. Costa: Yes, the garage door will face toward the back of the house.
- Ms. Maurer: What type of exterior lighting will you have?
- Mr. Costa: By code you have to have a light outside of the man door and maybe a spot light on the west side.
- Ms. Maurer: How far is the side line from the paper road?
- Mr. Costa: Because 25 feet from the property line is a paper road we are going to move it about 12.5 feet over.
- Mr. Prager: That's correct.
- Mr. Costa: There will be no driveway, no cars and there's going to be grass and only lawn equipment will be stored in there.
- Ms. Maurer: We don't have a problem with that then.
- Mr. Galotti: You just have to find a spot for it.
- Mrs. Roberti: I just checked the legality of giving him a variance from the easement and yes, you can do that.
- Mr. Prager: Okay, great.

- Mr. Costa: I will talk to Mike Gillespie tomorrow and see what we can do. So what do I do at this point now?
- Mrs. Roberti: I would adjourn this. How long do you think you need with Mike?
- Mr. Costa: I can call him tomorrow and let you guys know.
- Mr. Prager: Do you think you are going to be ready by the next meeting?
- Mr. Costa: When is the next meeting?
- Mr. Prager: March 27th.
- Mr. Costa: I should be able to have something by then. If not, I can call Barbara.
- Mrs. Roberti: You probably should close this since the public hearing is for the size of the garage and since you are going to have a new public hearing. You just need to make a motion that this variance is withdrawn and options are being looked at. Once he comes back and you like what you see and if you are so incline to order a public hearing. I would state that on the record.
- Mr. Costa: What is the next step?
- Mr. Prager: Talk to Mike Gillespie and let us know. Make sure you keep it under 600 sf. and 12.5 feet from the easement. Then you have to figure out a variance for the back.
- Mr. Costa: Should I bring in another set of prints?
- Mrs. Roberti: You could do a sketch of the building or a new plot plan that would work. In the meantime I can be working on the plans for the building department.
- Mr. Costa: Okay, do I have to do mailings again?
- Mrs. Roberti: Yes, it's a totally different variance.

Mr. Galotti: You will need the two variances for the side and rear.

Mr. Costa: Do I have to pay the \$250.00 application fee?

Mrs. Roberti: No.

Mr. Costa: So just the notification and the legal notice.

Mr. Prager: Yes.

Mr. Costa: So I will get with Mike tomorrow.

Mr. Prager: Does anybody else have anything other comments?

Mr. Galotti: No.

Mr. Prager: Could I have a motion to close the public hearing.

Mr. Galotti: Motion to close the Public Hearing pending alternative option from Mr. Costa.

Mr. Casella: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Motion to adjourn.

Mr. Casella: Second the Motion.

Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 7:42 pm

Bea Ogunti
Secretary
Zoning Board of Appeals