

MINUTES

**Town of Wappinger
Zoning Board of Appeals
April 10, 2018
Time: 7:00PM**

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

Summarized Minutes

Members:

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

Others Present:

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

SUMMARY

Discussion:

Robert Costa	Public Hearing on April 24, 2018
Petra Mennell	Public Hearing on April 24, 2018 Site Visit on April 14, 2018
Wappinger Hannaford CLYNK	Resubmit for April 24, 2018
New Hackensack Firehouse	Public Hearing on April 24, 2018

Mr. Haas: **Motion to accept the Minutes from March 27, 2018.**
Mr. DellaCorte: Second the Motion.
Vote: All present voted Aye.

Mr. Prager: Good evening everyone. We are basically having discussions tonight on your variances. We will get information from you and if we think additional information is needed before the public hearing, we will ask you for it. We will probably set up some site inspections and take it from there.

Discussion:

Appeal No. 18-7639 (Area Variance)

Robert Costa: - Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where a side yard of **25 feet** is required, the applicant can only provide **12.5 feet** for a 24' x 25' garage.

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **25 feet** to the rear yard for a 24' x 25' garage, thus requesting a variance of **25 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: Mr. Costa, please come up. You were here before and now we are changing the building size.

Mr. Costa: Good evening. Yes, we had a 900 sf. building but with the easement we are now reducing the building size to 600 sf. I didn't do anything with the drawing yet because I don't want to spend money on it until this is resolved.

Mr. Costa gives an overview of the project.

Mr. Prager: As long as whatever variance we grant is the minimum and not the maximum.

Mr. Costa: Correct. It will definitely be less than that.

Mr. Prager: The last time you had a 30' x 20' garage.

Mr. Costa: Do you need a sketch from me?

Mr. Prager: If you have some pictures.

Mr. Costa: I found some pictures online that I sent to the architect so I can forward that to you if you would like to look at them.

Mr. Prager: Yes.

Mr. Costa: It's on my phone so I can forward.

Mr. Horan: Regarding the 37.5 feet and the 50 feet, based on the discussion we just previously had regarding street lines and regard yards, it may not necessarily be 37.5 feet. That's measured to the property line. So the variance is technically measured from either the street lot line or in this case the easement. If you leave it this way it could end up being a lesser number. The requirement is from what would be the edge which really isn't there. What we are saying is there is a paper street on your property that has been there for some time so the boundary runs from that.

Mr. Costa: Originally we needed 25 feet from the property line then you said 25 feet from the easement.

Mr. Horan: You are requesting the variance from the easement and not the property line.

Discussion continues.

Mrs. Roberti: Should we change the variance to say where 25 feet from a side easement is required?

Mr. Horan: It should say where a side yard of 25 feet is required, the applicant can provide. It shouldn't be measured from the property line.

Mr. Prager: Jim, on the application it should say where 50 feet due to easement, the applicant can provide 12.5 feet to the side yard.

Mrs. Roberti: He would be within 12.5 feet of the start of the easement.

Mr. Horan: What is the required yard?

Mrs. Roberti: The required yard is 25 feet.

- Mr. Horan: So it should say where the required yard is 25 feet, he needs a variance of 12.5 feet.
- Mr. Prager: He's got the right amount here which is 12.5 feet instead of 36 feet.
- Mr. Horan: Correct. It shouldn't reference to the property line. It should just say where a side yard of 25 feet is required the applicant can only provide 12.5 feet for a 24' x 25' garage. The number at the end of the day is 12.5 feet.
- Mr. Prager: You have that Bea?
- Mrs. Ogunti: I do.
- Mr. Prager: You are going to get a picture to us?
- Mr. Costa: Yes, I will get it to Barbara and Bea.
- Mr. Prager: Okay, just get it to us before the public hearing on April 24th.
- Mr. Horan: Is there a requirement from the rear yard?
- Mrs. Roberti: Yes, 50 feet and he's offering 25 feet.
- Mr. Horan: We don't have to do another site inspection since we've seen the property already in the blizzard.
- Mrs. Ogunti: Bob, could you swing by the office tomorrow to pick up the revised public hearing notice.
- Mr. Costa: Okay, I'll swing by between 2:00pm and 3:00pm.

Appeal No. 18-7640 (Area Variance)

Petra Mennell: - Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where **20 feet** to the side yard property is required, the applicant can only provide **16.4 feet** to the side yard for a covered rear porch with landing, thus requesting a variance of **3.6 feet**.

The property is located at **10 Dean Avenue** and is identified as **Tax Grid No. 6157-01-114621** in the Town of Wappinger.

- Mr. Prager: Hi there, please state your name for the record.

- Ms. Mennell: Petra Mennell.
- Mr. Prager: Just give us a little information about what you need and why you need it.
- Ms. Mennell: The house is situated in one corner of the property and from the road you can see a beautiful front porch. The house is 220 years old. We are proposing to put a porch on the other side which will not be very visible and it fits in with the neighborhood and the roof lines in the back. Aesthetics are important to us and we just want a covered porch because the summers are hot. I also like to be outdoors when I come home from work.
- Mr. Prager: So basically you are going even with the side of your building and not to extend any closer to the property line.
- Ms. Mennell: Yes, and where it says concrete on the south side basement and the little steps that go up is actually a covered porch. The roof line is exactly even with the covered porch.
- Mr. Prager: The one in the front that says covered porch, is it there now?
- Ms. Mennell: Yes.
- Mr. Haas: Are the steps to the new porch there now?
- Ms. Mennell: No.
- Mr. Prager: I would like to set up a site inspection for this Saturday, April 14th at 9:00am and the public hearing for April 24, 2018.
- Ms. Mennell: Thank you.

Appeal No. 18-7641 (Area Variance)

Wappinger Hannaford CLYNK: - Seeking two area variances of Section 240-37 of District Regulations in an SC Zoning District.

-Where **75 feet** to the front yard property line is required, the applicant only provide **8 feet** for the placement of a CLYNK bottle return service structure in an existing Hannaford parking lot, thus requesting a variance of **67 feet**.

-Where **20%** maximum building coverage is allowed in a Shopping Center Zoning District, the applicant can provide **21.4%** for the placement of a CLYNK bottle return service structure, thus requesting a variance of **1.4%** increase in building coverage. On 05/09/2000, a variance to increase the building coverage to **21.3%** was granted. This variance is a **0.10%** increase from the previously approved variance. The property is located at **1271 Route 9** and is identified as **Tax Grid No. 6157-02-653974** in the Town of Wappinger.

Present: Brandee Nelson – Engineer

Mr. Prager: Good evening.

Ms. Nelson: Good evening. I'm Brandee Nelson a professional engineer with Tighe & Bond Engineering. We are here on behalf of Hannaford. Hannaford is undertaking a renovation right now inside their building to better serve their customers. Part of their program includes a bottle return service called CLYNK and they have it in a couple of stores in Maine and New York. The CLYNK bottle service is a partnership between a private company called CLYNK and Hannaford Supermarket. It's innovative as far as your returnable are concerned. Basically you sign up as a user online or in the store and you are given a code for you to use in CLYNK. You are given 10 bags initially and you buy the bags after that. You put all of your redeemable in these bags and put your code on them and you drop them off in the CLYNK bottle return kiosk. The service comes in ones a week and pick up and take to their storage facilities. The redeemable is credited to your account which you can redeem for cash or put towards your grocery bill when you are in Hannaford or you can donate the money to charities.

Ms. Nelson continues her overview of the project.

Mr. Prager: Do you have a picture of what this thing is going to look like?

Ms. Nelson: Sure, absolutely.

Mr. Prager: I know I was with some board when we had to reduce the size of the parking lot. Mrs. Roberti, do you know when that was?

Mrs. Roberti: I looked it up and it was 1994.

- Ms. Nelson: We did look at some parking spaces and there were 266 that would be available. There are 262 now and we would take up 6 spaces and that would get us to 256 parking spaces. Looks like we have more than enough parking and we meet the zoning.
- Mr. Prager: So when I bring my bag there do I stop before it and drop my bags?
- Ms. Nelson: Typically, what we try to do is put signage near the CLYNK on either side that it is CLYNK designated parking. So you will pull your car in and get out of your car. The length of the parking space is about 20 feet and we will be providing bollard and planters in the front of it for screening and separation between traffic in the front of the CLYNK.
- Mr. Haas: I feel that those spaces will be filled up with carts and the guy is going to have to park on the road to load and unload.
- Ms. Nelson: I hope not. We are limited as to where it can go. Hannaford doesn't own the property so we've talked to our landlord about siting it in this area but that was a nonstarter with the landlord. He doesn't want it to be seen from Route 9.
- Mr. Haas: What if you had those parking spaces removed?
- Ms. Nelson: We certainly could and stripe it as a loading zone. There are sufficient parking.
- Mr. Haas: What kind of hit will it be if you took away some of those parking spaces?
- Ms. Nelson: We are about 30 spaces over what code requires.
- Mr. Haas: I think the truck is going to be in the road.
- Mr. Prager: I think so too.
- Mr. Haas: Have they done a lot of these before?
- Ms. Nelson: They have a few in Maine and I have been doing approvals for these in New York. We are just starting

these in New York. There's one that is going in Red Hook.

Mr. Haas: I guess my point is it is not a first of a kind.

Ms. Nelson: Yes, it's not a first of its kind.

Mr. Prager: How many times a week you think the truck is going to be there? I am not going to set this public hearing for the next meeting mainly because there are some other discussions we need to have regarding it being an accessory structure on the property and what is the front line? Am I correct Mr. Horan?

Mr. Horan: Do we have a written interpretation?

Mrs. Roberti: I wrote that this is the front yard. What we found was part of the code speaks to it being a front yard and another part argues that it is wrong.

Mr. Horan: The definition of front line is somewhat inconsistent with the definition of front yard. It appears to be in the front yard and the variance is tied to the front yard. The question is from a code point of view what the definition of front line is. For purposes of granting the variance we need to have some consistency in reconciling some of the provisions in the code. If you moved it closer to Myers Corners Road we would entertain that. How would that affect circulation and does it eliminate some of the concerns of the board? I guess my question is if you moved that closer to Myers Corners Road and have the truck access it from the other side. Moving it closer to Myers Corners Road would make more sense and then having the truck from the north side unload from there. Would that be a possibility?

Mrs. Roberti: Before you go any further, the Chairman of the Planning Board is conveniently here tonight and I think Bruce should be allowed to weigh in on how the Planning Board felt at your site visit.

Ms. Nelson: Thank you. That's where I was going to go with this because I don't want to be a ping pong ball. My understanding that this board's jurisdiction has to do with area variances and use variances and not so much the other issues except it pertains to character.

- Mrs. Roberti: Bruce, do you want to speak on this?
- Mr. Flower: Basically I went out with some members of the Planning Board. We went out on a Saturday morning and took a look at the proposed location. Originally there was one location closer to Myers Corners Road in the middle of the lot. We decided to offer the same thing but further back and closer to the building. When you look at it from Myers Corners Road you would be looking at a shed in the middle of a parking lot.
- Mr. Prager: Unless we have some screening around it, right?
- Mr. Flower: It is tough because you are going to start eating away at more parking spaces. At the end of our site visit we came to the conclusion that off to the side where it is being proposed would be the best location. From Route 9 and Myers Corners Road it is tucked into the hill and as you are aware the Mobil Station sits higher than the Hannaford parking lot. From the Mobil Station you will be looking down at it and from Myers Corners Road it blends into the hill. From the planning stand point that side is the best location.
- Mr. Galotti: Typically, how long will the truck be there when picking up?
- Ms. Nelson: It is less than 30 minutes. It's a very short duration.
- Mr. Galotti: I don't think that would be much of an obstruction.
- Mr. Horan: Will that pickup be during normal business hours or after hours?
- Ms. Nelson: Right now the processing facility where they store all of the redeemable is in the Albany area. So the box truck leaves Albany in the morning and depending where they are in the routes it variance. Yesterday I passed one on Route 9 and a couple of hours later it was heading up Route 9. So it was definitely during business hours.
- Mr. Prager: I question the placement of it because those parking spaces are usually filled.
- Ms. Nelson: That's been my observation as well.

- Mr. Prager: On Myers Corners Road the people are a little lazy and they don't like to walk too far and those spaces are usually open. That's why I'm a little hesitant.
- Mr. DellaCorte: Did you say that there are no outdoor CLYNK services in the area right now?
- Ms. Nelson: I believe that's the case. I'm not doing all of the Hannaford stores in the New York area right now. There may be one in Boston Spa. I do have what I submitted to the Planning Board. That's just the architectural elevations.
- Discussion continues.
- Mr. Haas: Do you have to pay for the bags?
- Ms. Nelson: You do and it's a small amount and I can't remember exactly but I can get that information for you.
- Mr. Prager: Bruce, is there anything else you want to say?
- Mr. Flower: No, I wasn't planning on being here. I was here for another meeting and just happened to stop by.
- Ms. Nelson: I really appreciate it.
- Mr. Prager: Thank you for your feedback.
- Mr. Horan: So that's located 105 feet from Myers Corners Road.
- Ms. Nelson: Yes, it is located 105 feet from the property line on Myers Corners Road.
- Mr. Horan: That's the front yard so it's 75 feet because it's from a County road.
- Ms. Nelson: Is there any way we can move to a public hearing at the next meeting?
- Mr. Prager: No. I have to talk to Mr. Horan about that structure.
- Mr. Horan: We meet every two weeks.

- Ms. Nelson: Should I plan on being here at the next meeting? What additional information can I provide you?
- Mr. Prager: We just need to decide what we are talking about here so there's nothing more you have to provide.
- Mr. Horan: Well, we need photos.
- Mrs. Roberti: You wanted pictures.
- Ms. Nelson: Sure. That's why I had provided what I had given to the Planning Board to send over to everybody.
- Mr. Prager: Do you have a picture of one CLYNK?
- Ms. Nelson: I don't have a picture of this model since it is custom for Wappinger Hannaford. The stocked model does not have the pitched roof and it's more of a flat roof.
- Mr. Horan: You had mentioned that there were other parking spaces associated with the CLYNK? Where will they be located?
- Ms. Nelson: Usually we put signage on either one side or the other. This is something we can talk about. If we have the signs for the CLYNK on the south side of the structure, theoretically when the box truck comes they have the loading zone area plus the two spaces available for them.
- Mr. Horan: How many doors are there?
- Ms. Nelson: There are four doors on the CLYNK for depositing recyclables.
- Mr. Horan: So there are four doors and two spots.
- Ms. Nelson: Right.
- Mr. Horan: Two dedicated spots.
- Ms. Nelson: Yes.
- Mr. Horan: Where is the bottle return currently located?
- Ms. Nelson: Inside the store.

- Mr. Horan: Is it in the corner of the store?
- Ms. Nelson: It may actually not be in the store right now.
- Mrs. Roberti: It still is.
- Mr. Prager: What's the reason why he doesn't want to do this inside?
- Ms. Nelson: There is so much usage therefore it requires a lot of pick up time about 3 to 4 times a week with the box truck to pick up. It is also going to free up some interior space for the renovation work going on inside right now which is to add the Hannaford to go service where you can call or go online to order groceries. So we want to make that front area available for the Hannaford to go service. It's just not enough space inside.
- Mrs. Roberti: Is the Hannaford to go have those spaces you have circled reserved for that purpose? So technically that shopper who is not picking up will be losing those spaces as well?
- Ms. Nelson: That's correct. Although we think there's a tradeoff for the type of shopper that will come to Hannaford they would want to park here and you will text a code and they will bring your groceries to you.
- Mr. Prager: Anything else Mrs. Roberti?
- Mrs. Roberti: No, that's it.
- Ms. Nelson: Because I have to report back. Is there still a question as to what kind of variance we are getting?
- Mr. Prager: It's not what kind. We are not sure that we can have that just as an accessory structure. Am I correct Mr. Horan?
- Mr. Horan: There's a provision in the code which provides that an accessory building is not permitted in a front yard.
- Ms. Nelson: I tried to look it up and it was vague. I don't have my copy of the code with me but I think I have it referenced

back in my office. So if that were the case we would just add one variance.

Mr. Horan: That was one of the issues because the definition of structure in the code says that if it has a self-supported roof, has walls for occupancy by humans or property, it's considered to be a building. This would be an accessory building rather than a structure. Accessory structures are permitted in a yard however accessory buildings are not permitted in a yard.

Ms. Nelson: Is there any specifically architectural detailing you need me to provide to help make that determination? I just want to give you whatever information you need.

Mr. Horan: By the next meeting we will have a determination of what applies in this instance.

Ms. Nelson: So at that point would we be able to set a public hearing for the following meeting?

Mr. Horan: Yes.

Ms. Nelson: The interior renovations are underway and they want to keep everything moving. Will I need to submit an updated application for the additional variance?

Mrs. Roberti: No, we will just add it.

Mr. Prager: Mrs. Roberti, you will keep everybody on the board informed?

Mrs. Roberti: Yes. Brandee, will you send us a rendition so we can get it to the board?

Ms. Nelson: Yes. So I should plan to come back on April 24th and a possible public hearing on May 8th. Thank you very much. I appreciate your time.

Mr. Prager: Thank you. It was a very good presentation.

Ms. Nelson: It's been confusing and we didn't know what to call this property line so I'm glad you guys are up for the challenge.

Mr. Prager: Thank you.

Appeal No. 18-7642 (Area Variance)

New Hackensack Firehouse air-locked Vestibule: - Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **25 feet** to the side yard property is required, the applicant can provide **7 feet** to the side yard for a vestibule, thus requesting a variance of **18 feet**.

The property is located at **217 Myers Corners Road** and is identified as **Tax Grid No. 6258-02-625574** in the Town of Wappinger.

Present: Paul Pilon – Architect

Mr. Prager: Mr. Pilon, please tell us a little bit about what you need here.

Mr. Pilon: Hi, my name is Paul Pilon. I'm an architect with S & P Architects. In an interest of making corrections where it states where 25 feet to the front yard property is required, it should actually be side yard. We are asking for a variance for a vestibule and not a rear porch. All of the proposed exterior work is going to be done on the side yard of the west side of the building. The fire company is planning on renovating the interior of the original portions of the firehouse. Part of the building that closest to Myers Corners Road and to Bilparsons Way. We intend to turn part of that space into a public meeting room. I would like to point out that the fire district owns the adjacent lots. I believe that granting this variance would have no negative impacts on surrounding properties. There are generally not many residential properties in the area. It is approximately a 7' x 14' addition on a fairly substantial building.

Mr. Pilon continues his overview of the project.

Mr. DellaCorte: Parcel A is owned by the fire district?

Mr. Pilon: Correct.

Mr. DellaCorte: As well as Parcel C?

Mr. Pilon: What you see that's indicated on the map as shown as Bilparsons Way is actually Parcel B.

Mr. Prager: We will set the public hearing for April 24, 2018.

Mrs. Ogunti: Paul, could you stop by the office tomorrow after 10:00am to pick up the revised public hearing notice.

Mr. Pilon: Okay. Thanks!!

Mr. Prager: Thanks Paul.

Executive Session:

Legal Advice: (M&C of Dutchess, Inc.)

Mr. Galotti: **Motion to go into Executive Session.**
Mr. Haas: Second the Motion.
Vote: All present voted Aye.

Mr. Haas: **Motion to come out of Executive Session.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

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

Respectfully Submitted,

Adjourned: 8:38 pm

Bea Ogunti
Secretary
Zoning Board of Appeals