

MINUTES

**Town of Wappinger
Zoning Board of Appeals
February 26, 2019
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

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Discussion:

Louis & Debra Camacho

Resubmit

NERP Holding Tractor Supply

Public Hearing on March 12, 2019

Mr. Casella:
Mr. Galotti:
Vote:

Motion to accept the Minutes from January 22, 2019.
Second the Motion.
All present voted Aye.

Discussion:

Appeal No. 19-7669 (Variance)

Louis & Debra Camacho: Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **20 feet** is required to the side property line, the applicant can provide **13 feet** for the construction of a 28' x 32' garage, thus requesting a variance of **7 feet**.

-Where no more than two accessory buildings shall be permitted in any 1-family residential 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 28' x 32' feet garage (896 sf.), thus requesting a variance of 296 square feet.

-Where **75 feet** is required from a County Road, the applicant can provide **46.9 feet** for the construction of a front porch on an existing house, thus requesting a variance of **28.1 feet**. The property is located at **49 Myers Corners Road** and is identified as **Tax Grid No. 6157-02-884982** in the Town of Wappinger.

Present:

Ciro Interrante – Architect
Shane Furnia – Contractor
Debra Camacho – Applicant

Mr. Prager:

Hi there. Please state your name for the record.

Mr. Interrante:

Ciro Interrante, Architect.

Ms. Camacho:

Debra Camacho, Owner.

Mr. Furnia:

Shane Furnia, Contractor.

Mr. Prager:

Awhile back you were here and we discussed setting the garage back a little. Please explain what you are doing now.

Mr. Interrante:

We have taken your advice and we have moved about 12-15 feet. Where we were showing 2 feet to the property line, we now gained 13 feet. Also, the recommendation was reducing the size of the garage which we have. The last time I think we were 1,050 sf. and now we are down to 800 sf. There was no change on the front porch variance. We were able to make progress on the garage.

- Mr. Galotti: On your site plan you have the distance from the road to your front porch is 54.4 feet and the distance to the garage is 46.9 feet. In the variance it's saying the distance to the road is 46.9 feet.
- Mr. Interrante: The 46.9 feet is the corner of the house and not the garage. That came directly from the surveyor.
- Mr. Galotti: So the distance from your front porch is 54.4 feet?
- Mr. Interrante: Right.
- Mr. Galotti: Doesn't this say the distance from the porch to the road is 46.9 feet?
- Mr. Interrante: That's an error.
- Mr. Galotti: It actually worked out to your benefit.
- Mr. Prager: We can leave it the way it is because it doesn't matter.
- Mrs. Roberti: Mr. Prager, it does matter because you have to use the larger number which is the correct number.
- Mr. Interrante: So 28.1 feet will go to 20.6 feet.
- Mrs. Roberti: You will need a fourth variance for the garage because you need to be 75 feet from the County road. So we need to add one more variance when we do the public hearing notice for the garage. The garage needs to be 75 feet from the County road and he has 63.4 feet. We will do the math and just add that to the public hearing notice.
- Mr. Interrante: When do you put that notice together?
- Mrs. Roberti: Bea has to adjust it tomorrow.
- Mr. Interrante: Okay.
- Mr. DellaCorte: That's not in there now.
- Mrs. Roberti: No, we have to add it.
- Mr. Interrante: To keep everything legitimate I did do the design for the garage but I didn't bring the drawing with me. I'm not

quite sure we were over the 20 feet height so can I get together with you tomorrow on this?

Mrs. Roberti: I'm not here tomorrow.

Mr. Interrante: At least before you publish the public hearings.

Mr. Prager: Why is it over 20 feet?

Mr. Interrante: We had a high pitch on it but I can look at it tomorrow and see if I can lower the pitch and get it under 20 feet.

Mr. Prager: It might be wise to do that.

Mrs. Roberti: The next meeting is March 12th so how many weeks is that?

Mrs. Ogunti: Two weeks.

Mrs. Roberti: I'm not in tomorrow so we can fix this on Thursday and Bea can adjust everything for you. Shoot me an email about the garage height and take their recommendation.

Mr. Galotti: Barbara, I just noticed the dimension 54.4 is to the roof of the porch and not the foundation, right?

Mr. Interrante: It is four columns and the roof overhang.

Mrs. Roberti: So the roof is going over the base?

Mr. Interrante: It is 54.4 feet to the roof.

Mr. Furnia: You are talking about 16 inch difference to the columns.

Mr. Galotti: Again, will that benefit the applicant if it needs to be from the foundation or the roof?

Mrs. Roberti: It is going to be minor because you are allowed to have a 2-3 feet overhang on a house.

Mr. Interrante: I would say let's keep it at the 54.4 feet for the variance.

Mrs. Roberti: This way down the road should they ever decide to enclose that the variance would be fine and we will just do a building permit.

Mr. Prager: That's wise.

Mr. Casella: So you took it from 1050 sf. to 896 sf.? Can you go any smaller? It is a pretty significant variance.

Mr. Interrante: I know but the width is 28' x 32' and I really don't want to go less than 28' for tools and work bench. They also have a couple of motorcycles, vans and a couple of cars.

Ms. Camacho: We have a work van and a regular van and three cars.

Mr. Galotti: I know it is 28' wide but does it have to be 32' feet deep?

Mr. Interrante: He wants to keep the motorcycles inside plus his work bench.

Mr. DellaCorte: What's the percentage?

Mr. Casella: It is 296 sf. over 600 sf. It is pretty significant. That's 49%.

Mr. DellaCorte: Okay.

Mr. Galotti: A normal garage is 20 feet deep, right?

Mr. Interrante: Right.

Ms. Camacho: The reason why we want the top floor is he's going to be working from home now.

Mr. Casella: How much property do you have?

Ms. Camacho: I think it is .63 acres.

Mrs. Roberti: Debra, are you talking about adding a second floor as habitable space?

Ms. Camacho: No, it is just going to be a small office.

Mrs. Roberti: That's habitable space.

Ms. Camacho: It is just a garage.

Mrs. Roberti: It is not just a garage. They are looking to make an office on the second floor now.

Mr. Interrante: If there's an office up there it's going to change a lot.

Mrs. Roberti: If it is ask now because later you will be back again. I'm just being honest with you. You can change midstream once you are building this.

Mr. Galotti: Putting an office up there would change the roof pitch.

Mr. Interrante: I'll work on it tomorrow and we'll let you know.

Mrs. Roberti: Let's talk tomorrow morning.

Mr. Prager: Do you think it is wise to put this off another two weeks?

Mrs. Roberti: There are a lot of questions here on your end. This legal notice has to get put in the paper by the end of next week.

Mr. Interrante: Let's wait another two weeks to give us time to work things out. There's no point in doing the legal notice when we still have issues to be resolved.

Mr. Galotti: Let's get it done right ones.

Mr. Casella: So just to get things straight. There's another variance to be added; plus the 75 feet versus the 63.4 feet for the garage, correct?

Mrs. Roberti: Correct.

Mr. Casella: We are going to provide 54.4 feet versus 46.9 feet. Also, you are going to look into the office on the second floor. That was a surprise. I understand you want 896 sf. but I would like to see you do something a little smaller. You are only on .65 acres?

Ms. Camacho: Yes, .63 acres.

Mr. Interrante: Is there a ratio?

Mr. Casella: It's not a standard ratio but you are almost 50% which is pretty substantial.

Mr. DellaCorte: When we look at the ruling, we look at how large a percentage it is.

Discussion continues.

Mr. Interrante: So two weeks is March 12th?

Mrs. Ogunti: Yes.

Mr. Prager: So do you know when you are going to be back?

Mrs. Roberti: They are going to come back on March 12th.

Mr. Prager: We are going to do that as a discussion then and the application will be amended again so that you have a working document.

Mr. Casella: Barbara, anything else we need to let him know?

Mrs. Roberti: Not that I can think of but I will go over this again on Thursday.

Mr. Interrante: Alright, thank you very much.

Mr. Prager: Have a good night.

Appeal No. 19-7670 (Variance)

NERP Holding Tractor Supply Company & Retail Store: Seeking an area variance Sections 240-96(F) and 240-97(B) of the District Regulations in an HB Zoning District.

-Where it is required that undeveloped parking area be maintained as additional landscaped area, the applicant can provide banked parking area to be asphalt, thus requesting a variance of landscaping requirement to allow undeveloped parking area to be used as fenced outdoor display area.

-Where **128 parking spaces** are required, the applicant can provide **77 parking spaces**, thus requesting a reduction of spaces under 240-96(F) to allow for a reduction of **51 spaces**.

The property is located on **Route 9** and is identified as **Tax Grid No. 6157-04-539374** in the Town of Wappinger.

Present: Jim Cassidy – Hallisey, Pearson & Cassidy Engineering
Matt Darling – NERP Holding & Acquisition

Mr. Prager: Good evening. Please state your name for the record.

Mr. Cassidy: Good evening, my name is Jim Cassidy I'm a professional engineer and principal of the firm Hallisey, Pearson & Cassidy Engineering Associates, Inc. We are located at 630 Main

Street in Cromwell, Connecticut. With me this evening is Matthew Darling. Matthew is with NERP Holding & Acquisition. We are the prospective purchasers and developers of a piece of property located on New York Route 9 here in Wappinger. As was mentioned we are seeking a variance of two sections of the zoning ordinance of the zoning regulations for Highway Business Zone. We are looking for an area variance Sections 240-96(f) which deals with the number of parking spaces required for this site and also 240-97(b) which deals with being able to land bank parking spaces.

Mr. Cassidy: NERP is proposing to purchase it. NERP is a professional developer and a tractor supply company. They are a retail operation that likes to be in rural communities where they can cater to general farmers with people with larger pieces of properties not commercial farms. For people who have a larger piece with large animals, live stocks for horse but might need equipment to maintain. If you go into a tractor supply you can buy anything from tractors, lawn equipment, feed for pets, clothes, etc. They don't sell tractors but they sell the implements for tractors.

Mr. Cassidy continues to give an overview of the project.

Mr. Prager: Where is that fence again?

Mr. Cassidy: The fence is in the back and it's a fenced in area for larger products. Those larger products are too big to go in the store. We keep those outside on a pad. So what happens if a customer makes a purchase they go in the store and they go out to the parking space and pull their vehicle where the gate is open and they load it up with the product and there's a gate on the other side that opens up and they continue on their way.

Mr. Casella: You are not going to enclose these and have tractors there and the piece on the left you are going to have an outside display as well?

Mr. Cassidy: The tan is the building itself so that's where your smaller products are going in.

Mr. Casella: The fenced in area is almost as big as the enclosed area.

Mr. Cassidy: Almost, it is a 15,000 sf. fenced area and 19,097 sf. is the building area.

Mr. Galotti: No tractors?

Mr. Cassidy: No tractors.

Mr. DellaCorte: Just supplies for tractors?

Mr. Cassidy: Correct. What we are seeking No. 1 is the variance for the parking spaces. According to your zoning regulations we have to provide 1 space for every 150 sf. of building area. Based on that we need a total of 128 parking spaces. That's a lot of parking spaces for a tractor supply store. All of the ones we have are 60 maybe up to 80 parking spaces. The parking lot is never full. On this particular site we are proposing 77 parking spaces and we feel that's more than adequate for this particular type of use. We are asking for the reduction of parking spaces from 128 to 77. The concern is if for some reason tractor supply closes up and moves out and another retail use comes in what do you do? Is that adequate parking? So we are also requesting a variance according to your regulations Section 240-97(B) and this says we are allowed to land bank parking space. We are not going to need this and the issue with that is when you are land banking parking spaces it needs to be landscaped. We have adequate land bank spaces and basically this is concrete pad.

Mr. Casella: Is that the normal size that you use to put your tractor supply store? You have 19,000 sf. for one building and 15,000 sf. for another is that a typical size when you put these in?

Mr. Cassidy: This is actually a bigger property than we normally use.

Mr. Galotti: What he means is the size of your retail space.

Mr. Cassidy: This is a prototypical footprint. It is 19,097 sf.

Mr. Cassella: This outdoor display is it typically 15,000 sf.?

Mr. Cassidy: Yes. For tractor supply we have the 19,097 sf. for the typical building, 15,000 sf. is the outside display are the requirements that we need to meet. We need 3,000 sf. sidewalk display up front and 3,000 sf. of trailers. We have to have all of those areas in order for them to utilize the site.

Mr. Galotti: The 15,000 sf. outdoor space, do you pour like an elevator slab there or it is the same elevation to the parking lot?

- Mr. Cassidy: You should be able to drive from their drive aisle to that area. Simply, if another user came in all I would need to do is take the fence down and stripe that at that point.
- Mr. Prager: That would be 45 spaces?
- Mr. Cassidy: Right. Again, we feel that this particular use is unique and it doesn't need the required parking spaces. We feel we could adequately provide the land bank parking but the issue is being able to provide the landscaping for the land bank spaces. There is a small wetland area in the back and we are trying to stay away from that area.
- Mr. Prager: That drops in the back.
- Mr. Cassidy: Yes, from the front to the back like an elevation range.
- Mr. Prager: Anything else Al?
- Mr. Casella: No.
- Mr. Cassidy: Matt was just mentioning that we went to the Planning Board and we presented this informally and this is why they recommended we come to you to seek this variance. The issue came up and we thought there would be a way to waive the requirement for the land bank spaces not being landscaped. By doing the land bank spaces the Town felt if we do not have adequate parking then we can enforce to eliminate that display area and put parking spaces in its place. That's why we are applying for both variances. I conclude my presentation with that. I'll answer whatever questions you may have.
- Mr. DellaCorte: Barbara, when they talk about landscaped requirement, what does that really mean?
- Mrs. Roberti: Part of the problem is that the Planning Board could have waived within their purview the spaces that have been land bank in the typical way that they would designate on the map. They couldn't do this due to the elevations. When they do land bank them the Planning Board usually ask for some trees or bushes so that area is protected and green. In this case this protects tractor supply. Also, the Planning Board only would waive it historically for green. Since they are using something unique for this site due to the typography in the Town it is really in their best interest to actually come here.

- Mr. Prager: Would we be the ones to give them that variance?
- Mrs. Roberti: It would be a two part variance to landscape the asphalt.
- Mr. DellaCorte: You mean the concrete?
- Mrs. Roberti: Right.
- Mr. DellaCorte: Out of curiosity with the concrete there's a landscape block that let's water go through, is that applicable?
- Mr. Cassidy: They are running forklifts on it and they are running products on it, running vehicles on it so they want concrete plus they got customers walking through there. It's not something you want a rough surface on.
- Mr. Casella: With something this size what's the number of parking spaces you have?
- Mr. Cassidy: I'll say our lowest building is 60 parking spaces some are much higher but I'll say on average 70 to 75 parking spaces.
- Mr. Casella: What would happen if you made the size of the outdoor space 12K instead of 15K?
- Mr. Cassidy: They wouldn't come here because it doesn't meet the model.
- Mr. Casella: So you couldn't make it work if you made it less than 15K is that what you are saying?
- Mr. Cassidy: They are not going to go with it.
- Mr. Prager: Anything else, Al?
- Mr. Casella: No, I'm good.
- Mr. DellaCorte: I've been to the store in Highland.
- Mr. Prager: There's one in Amenia.
- Mr. Darling: Yes, Amenia.
- Mr. Prager: Do you think you need a site inspection for this?
- Mr. Casella: There's nothing to see.

Mr. Prager: I would like to see the property.

Mr. Galotti: It is completely wooded.

Mr. Casella: It is going to be tough to see anything.

Mr. Prager: Other than just looking at the property from the road is all we are going to be able to see.

Mr. DellaCorte: I've seen the property.

Mr. Prager: Let's set the public hearing for the next meeting which would be March 12th. Looks like we got all of the information we need from you. There won't be a site inspection.

Mr. Cassidy: Thank you.

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

Respectfully Submitted,

Adjourned: 7:50 pm

Bea Ogunti
Secretary
Zoning Board of Appeals