

MINUTES

**Town of Wappinger
Zoning Board of Appeals
April 26, 2022
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Galotti	Chairman	Present
Mr. DellaCorte	Co-Chair	Present
Mr. Barr	Member	Present
Mr. Lorenzini	Member	Present
Mr. Shah	Member	Present

Others Present:

Mr. Wood	Conflict Attorney
Mrs. Robert	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Adjourned Public Hearing:

Ron Evangelista, et al	Public Hearing closed
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Public Hearing:

Dorothy Brusie	Variance granted
Charles & Ellen Siebel	Variances granted
Gerard & Patricia Heidstra	Variance granted

Discussion:

Philip Abbate	Site visit May 7, 2022 Public Hearing on May 10, 2022
Erica & Kurt Rottenkolber	Site visit on May 7, 2022 Public hearing on May 24, 2022

Brian & Christine Zandstra

Site Visit on May 7, 2022

Public Hearing on May 10, 2022

Mr. Lorenzini: **Motion to accept the Minutes from the April 12, 2022 meeting.**

Mr. Shah: Second the Motion.

Vote: All present voted Aye.

Video of the April 26, 2022 Zoning Board of Appeals meeting:

https://www.youtube.com/watch?v=51MooTi5UuQ&list=PLcCjg2q5NIqkcilLKVhTs_jnwyp65fGoOM&index=38

Adjourned Public Hearing:

Appeal No. 21-7740 (Interpretation)

Ron Evangelista, et al:

The Town of Wappinger Zoning Board of Appeals will conduct an Adjourned Public Hearing on an Interpretation of Section 240-52(C), 240-21(D), 240-15, Non-Residential Schedule Definition of "Mixed Uses" of the District Zoning Regulations in an HM Zoning District. The applicant is seeking an interpretation of the Zoning Administrator, Barbara Roberti's interpretation of the Zoning Code dated June 20, 2021.

The property is located at **123-125 New Hamburg Road, 2357 Route 9D, 2361-2365**

Route 9D and is identified as **Tax Grid Nos. 6157-01-048643 (0.21 acres), 057642 (0.20 acres), 057654 (0.69 acres), 059643 (0.14 acres) & 040637 (0.55 acres)** in the

Town of Wappinger. (Public Hearing: January 25, 2022) (Public Hearing adjourned to March 22, 2022) (Public Hearing adjourned to April 26, 2022)

Present: Ken Stenger – Stenger, Diamond & Glass
Mary Kate Ephraim – Stenger, Diamond & Glass
Michael Caruso – Stenger, Diamond & Glass
Nick Ward-Wallis – Keane & Beane
Dan Nesheiwat – Applicant

Mr. DellaCorte: **Motion to close the Public Hearing.**

Mr. Lorenzini: Second the Motion.

Vote: All present voted Aye.

Applicant to reappear on June 28, 2022

Public Hearing:

Appeal No.: 22-7750 (Area Variance)

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

-Where **25 feet** to the side (right) yard property line is required, the applicant can provide **15 feet** for construction of a 29 x 17 deck, thus requesting a variance of **10 feet**.

The property is located at **64 Gold Road** and is identified as **Tax Grid No.: 6358-03-001427** in the Town of Wappinger.

Present: Dorothy Brusie – Applicant

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

Mr. DellaCorte: Second the Motion.

Vote: All present voted Aye.

Mr. Lorenzini: **Motion to close the Public Hearing.**

Mr. Barr: Second the Motion.

Vote: All present voted Aye.

Mr. Barr: **Motion to grant the applicant the variance. It's a unique condition where you had to shift your house over. The deck is no closer to the property line than the current house. It's been existing in that exact same configuration for many years. The benefit cannot be achieved by any other feasible means. It is not an undesirable change to the neighborhood. The request is substantial but I think there are reasons for it. There is no adverse environmental effects and the difficulty is self-created.**

Mr. Shah: Second the Motion.

Roll Call Vote: Mr. DellaCorte YES

Mr. Lorenzini YES

Mr. Shah YES

Mr. Barr YES

Mr. Galotti YES

Appeal No.: 22-7751 (Area Variance)

Charles & Ellen Siebel: Seeking an area variance Section 240-37 of District Regulations in an R20/40 Zoning District.

-Where **50 feet** to the rear yard property line is required, the applicant can provide **36 feet** for the installation of a 21 feet round above ground pool, thus requesting a variance of **14 feet**.

-Where **25 feet** to the side (left) yard property line is required, the applicant can provide **20 feet** for the installation of a 21 feet round above ground pool, thus requesting a variance of **5 feet**.

The property is located at **5 Fowlerhouse Road** and is identified as **Tax Grid No.: 6157-04-562324** in the Town of Wappinger.

Present: Charles & Ellen Siebel – Applicants

Mr. Lorenzini: Motion to open the Public Hearing.

Mr. Barr: Second the Motion.

Vote: All present voted Aye.

Mr. Lorenzini: Motion to close the Public Hearing.

Mr. Barr: Second the Motion.

Vote: All present voted Aye.

Mr. Lorenzini: Motion to grant the applicant the variances. The requested variance will not create an undesirable change to the character of neighborhood. There will be no substantial detriment created to nearby properties. No other feasible method due to the septic and where they want to put it. The requested variance is not substantial. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty is self-created.

Mr. Shah: Second the Motion.

Roll Call Vote:

Mr. DellaCorte	YES
Mr. Lorenzini	YES
Mr. Shah	YES
Mr. Barr	YES
Mr. Galotti	YES

Appeal No.: 22-7749 (Area Variance)

Gerard and Patricia Heidstra: Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **25 feet** to the rear yard property line is required, the applicant can provide **18 feet** for construction of a 30 x 17 deck, thus requesting a variance of **7 feet**.

The property is located at **19 Fieldstone Boulevard** and is identified as **Tax Grid No.: 6257-10-277709** in the Town of Wappinger.

Present: Gerard Heidstra – Applicant

Mr. Lorenzini: Motion to open the Public Hearing.

Mr. Shah: Second the Motion.

Vote: All present voted Aye.

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

Mr. DellaCorte: **Motion to grant the applicant the variance. The requested variance will not produce an undesirable change in the neighborhood. There will be no substantial detriment created to nearby properties. There are no other feasible methods available for you to pursue to achieve the benefit you seek other than the requested variance. The requested variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty is self-created.**

Mr. Lorenzini: Second the Motion.
Roll Call Vote: Mr. DellaCorte YES
 Mr. Lorenzini YES
 Mr. Shah YES
 Mr. Barr YES
 Mr. Galotti YES

Discussion:

Appeal No.: 22-7752 (Area Variance)

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

-Where **25 feet** to the side yard (right) property line is required, the applicant can provide **12'10" feet** for the legalization of an existing 10' x 20' shed, thus requesting a variance of **12'9" feet**.

The property is located at **6 Hackensack Heights Road** and is identified as **Tax Grid No.: 6259-04-556234** in the Town of Wappinger.

Present: Philip Abbate – Applicant

Site Visit on May 7, 2022
Public Hearing on May 10, 2022

Appeal No. 22-7753 (Variance)

Erica & Kurt Rottenkolber: Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where no accessory structure can be larger than 600 square feet in size, the applicant is proposing a 30' x 36' garage (1080 square feet) and 25 feet in height, thus requesting a variance of 480 square feet.

-Where no accessory structure can be more than 20 feet in height, the applicant is proposing 25 feet in height, thus requesting a variance 5 feet.

The property is located at **4 Caroline Drive, West** and is identified as **Tax Grid No. 6056-03-200438** in the Town of Wappinger.

Present: Erica & Kurt Rottenkolber – Applicants

Site Visit on May 7, 2022

Public Hearing on May 24, 2022

Appeal No.: 22-7754 (Area Variance)

Brian & Christine Zandstra: Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **50 feet** to the rear yard property line is required, the applicant can provide **34 feet** for the installation of a 17' x 26' above ground pool, thus requesting a variance of **16 feet**.

The property is located at **6 Fowlerhouse Road** and is identified as **Tax Grid No.: 6157-04-552342** in the Town of Wappinger.

Present: Brian & Christine Zandstra – Applicants

Site Visit on May 7, 2022

Public Hearing on May 10, 2022

Mr. Shah:

Mr. DellaCorte:

Vote:

Motion to adjourn.

Second the Motion.

All present voted Aye.

Respectfully Submitted,

Adjourned: 8:49 pm

Bea Ogunti

Secretary

Zoning Board of Appeals