

MINUTES

**Town of Wappinger
Zoning Board of Appeals
May 24, 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:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Erica & Kurt Rottenkolber	Variances granted
Jorge Luis Moreno & Maria M. Jimenez	Public Hearing on June 14, 2022
Chelsea Miritello	Variances granted

Discussion:

John O'Sullivan	Site Visit on June 11, 2022 Public Hearing on June 14, 2022
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Executive Session:

Ron Evangelista, et al	No decision or votes were taken
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Mr. Shah: Motion to accept the Minutes from May 10, 2022.
Mr. Barr: Second the Motion.
Vote: All present voted Aye.

Video of the May 24, 2022 Zoning Board of Appeals Meeting:

https://www.youtube.com/watch?v=9n8Eglll_Fk&list=PLcCjg2q5NIgkciILKVhTsinwyp65fGoOM&index=40

Public Hearing:

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

Mr. DellaCorte: Motion to open the Public Hearing.
Mr. Shah: Second the Motion.
Vote: All present voted Aye.

Mr. DellaCorte: Motion to close the Public Hearing.
Mr. Shah: Second the Motion.
Vote: All present voted Aye.

Mr. Galotti: Motion to grant the following variances:
Variance No. 1: Motion to grant the applicant the variance on the footprint. The benefit cannot be achieved by any other feasible means. There is no undesirable change to the neighborhood. The requested variance is substantial. There is no adverse impact on the physical or environmental conditions in the neighborhood. The alleged difficulty is self-created.

Roll Call Vote:

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

Variance No. 2: Motion to grant the applicant the variance. I do not think the benefit can be achieved by any other feasible means. Just looking at the structure and the roof, I don't think it's going to change that much and by shrinking to 5 feet will not give you the benefit you are trying to achieve. There is no detriment or change to nearby properties. This is really not a substantial request and there is no adverse effect to the neighborhood. The alleged difficulty is self-created.

Mr. Barr:

Roll Call Vote:

Second the Motion.

Mr. DellaCorte YES

Mr. Lorenzini YES

Mr. Shah YES

Mr. Barr YES

Mr. Galotti YES

Appeal No.: 22-7755 (Area Variance)

Jorge Luis Moreno & Maria M. Jimenez: 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 **3.5 feet** for the legalization of an existing 22' x 15.5' deck, thus requesting a variance of **46.5 feet**.

-Where **10 feet** to the rear yard property line is required, the applicant can provide **5 feet** for the legalization of an existing 8' x 10' shed, thus requesting a variance of **5 feet**.

The property is located at **17 Peters Road** and is identified as **Tax Grid No.: 6357-03-013029** in the Town of Wappinger.

Present:

Maria M. Jimenez – Applicant

Mr. Shah:

Mr. Barr:

Vote:

Motion to open the Public Hearing.

Second the Motion.

All present voted Aye.

Mr. DellaCorte:

Mr. Shah:

Vote:

Motion to close the Public Hearing.

Second the Motion.

All present voted Aye.

Another Public Hearing set for June 14, 2022.

Applicant to do another mailing and legal notice has to be republished due change in dimensions.

Appeal No.: 22-7756 (Area Variance)

Chelsea Miritello: Seeking an area variance Section 240-37 of District Regulations in an R40/80 Zoning District.

-Where no accessory structure can be larger than 600 square feet in size, the applicant is proposing a 44' x 21' detached garage with a 20 x 8 x 6 extension for a pony barn (total structures of 924 square feet) and not more than 20 feet in height, thus requesting a variance of 324 square feet.

-Where 2.00 acres are needed to have a farm animal, the applicant can provide 1.850 for a small pony, thus requesting a variance of 0.15 acres.

The property is located at **62 Diddell Road** and is identified as **Tax Grid No.: 6359-03-385322** in the Town of Wappinger.

Present: Chelsea Miritello – Applicant

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

Mr. Barr: Second the Motion.

Vote: All present voted Aye.

Melanie Alexander, 68 Diddell Road spoke in favor.

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

Mr. Shah: Second the Motion.

Vote: All present voted Aye.

Mr. DellaCorte: **Motion to grant the following variances:**

Variance No. 1: Motion to grant the applicant the variance. The requested variance will not produce an undesirable change to the neighborhood for the size of the structure for the pony. There is no substantial detriment to nearby properties. Diddell Road is famous for horse keeping. There is another feasible means of doing this but that will not be acceptable. You will be able to achieve the benefit by doing it other ways by making it small but I don't think that's necessary. The requested variance is substantial. This will not have an adverse impact on the environment. 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

Variance No. 2: Motion to grant the applicant the variance for the acreage to allow for one pony.

CONDITION: Only one pony allowed on the property.

Roll Call Vote:

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

Discussion:

Appeal No.: 22-7757 (Area Variance)

John O’Sullivan: Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where **20 feet** to the side (left) yard property line is required, the applicant can provide **11 feet** for the legalization of an existing 12 x 21 metal carport, thus requesting a variance of **9 feet**.

The property is located at **19 Sabra Lane** and is identified as **Tax Grid No.: 6258-02-935954** in the Town of Wappinger.

Present: John O’Sullivan – Applicant

Site Visit on June 11, 2022

Public Hearing on June 14, 2022

Executive Session:

Appeal No. 21-7740 (Interpretation)

Ron Evangelista, et al: Seeking 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) (Public Hearing closed: April 26, 2022)

Mr. Shah:

Motion to go into Executive Session for legal advice.

Mr. Barr:

Second the Motion.

Vote:

All present voted Aye.

Mr. Lorenzini:

Mr. Shah:

Vote:

Motion to come out of Executive Session.

Second the Motion.

All present voted Aye.

No decision or action was taken.

Mr. Barr:

Mr. Shah:

Vote:

Motion to adjourn.

Second the Motion.

All present voted Aye.

Respectfully Submitted,

Adjourned: 8:04 pm

Bea Ogunti
Secretary
Zoning Board of Appeals