

MINUTES

**Town of Wappinger
Zoning Board of Appeals
May 9, 2023
Time: 7:00PM**

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

Summarized Minutes

Members:

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

Others Present:

| | |
|--------------|----------------------|
| Mrs. Roberti | Zoning Administrator |
| Mrs. Ogunti | Secretary |

SUMMARY

Adjourned Public Hearing:

| | |
|---------------------------------|---------------------------|
| Christopher & Yasmine Slaughter | Adjourned to May 23, 2023 |
|---------------------------------|---------------------------|

Public Hearing:

| | |
|--------------------------|---------------------------|
| Luis Gutierrez | Adjourned to May 23, 2023 |
| Brian & Cathy Holley | Variances granted |
| Michelle Marie Heinemann | Adjourned to May 23, 2023 |

Discussion:

| | |
|-----------------------------|---------------------------------|
| Cesar A. Barzallo | Public Hearing on June 13, 2023 |
| Brian A. Riguzzi | Site visit on May 20, 2023 |
| | Public Hearing on May 23, 2023 |
| Enrique & Erika Penafiel | Site visit on May 20, 2023 |
| | Public Hearing May 23, 2023 |
| Jay & Dana VanBenschoten | Site visit on May 20, 2023 |
| | Public Hearing on May 23, 2023 |
| Alpine Commons Multi-family | Resubmit for June 13, 2023 |

Mr. Barr: Motion to accept the Minutes from the April 25, 2023.
Mr. Shah: Second the Motion.
Roll Call Vote: All present voted Aye.

Video of the May 9, 2023 Zoning Board of Appeals Meeting:

Part 1:

<https://www.youtube.com/watch?v=1n-M0EFrTO4&list=PLcCjg2q5NIgkciILKVhTsjnwyyp65fGoOM&index=50>

Part 2:

https://www.youtube.com/watch?v=cJ5ZFZ7_TYc&list=PLcCjg2q5NIgkciILKVhTsjnwyyp65fGoOM&index=51

Adjourned Public Hearing:

Appeal No.: 23-7787 (Area Variance)

Christopher & Yasmine Slaughter: Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where no more than two accessory structures are permitted on a residential lot, the applicant has a total of 4 accessory structures, thus requesting a variance to allow the gazebo, shed, artist studio and garage to remain.

The playhouse is to be removed.

The property is located at **180 Widmer Road** on 59.30 acres and is identified as **Tax Grid No.: 6258-01-325728** in the Town of Wappinger.

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

Mr. Barr: Motion to adjourn the Public Hearing to **May 23, 2023.**
Mr. DellaCorte: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

Appeal No.: 23-7790 (Area Variance)

Luis Gutierrez: Seeking an area variance Section 240-37 of District Regulations in an HB Zoning District.

-Where **50 feet** to the front yard property line is required, the applicant can provide **9 feet** for the construction of a covered landing with 3 steps, thus requesting a variance of **41 feet**.

-Where **50 feet** to the front yard property line is required, the applicant can provide **25 feet** for a ½ story pre-existing non-conforming house, thus requesting a variance to allow for a full second floor for bedrooms.

-Where **30 feet** to the rear yard property line is required, the applicant can provide **10 feet**, thus requesting a variance of **20 feet** for the construction of a 12 x 14 shed.

The property is located at **715 Sergeant Palmateer Way** on 0.58 acres and is identified as **Tax Grid No.: 6157-02-562852** in the Town of Wappinger.

Present: Luis Gutierrez – Applicant

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

Mr. Shah: **Motion to adjourn the Public Hearing to**
May 23, 2023.
Mr. DellaCorte: Second the Motion.
Vote: All present voted Aye.

Appeal No.: 23-7788 (Area Variance)

Brian & Cathy Holley: Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where **20 feet** to the side yard property line is required, the applicant can provide **8.6'** for the legalization of a three season room, thus requesting a variance of **11.4'**.

-Where **20 feet** to the side yard property line is required, the applicant provide **8.6'** for the legalization of a covered screened deck, thus requesting a variance of **11.4'**.

-Where **20 feet** to the side yard property line is required, the applicant can provide **9.4'** for the legalization of an open deck, thus requesting a variance of **10.6'**.

The property is located at **16 Applesauce Lane** on 0.35 acres and is identified as **Tax Grid No.: 6258-04-701001** in the Town of Wappinger.

Present: Brian & Cathy Holley – Applicants

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

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

Mr. DellaCorte: **Motion the grant the applicant the variances. The requested variances will not produce an undesirable change to the neighborhood. There is no substantial detriment to nearby properties. There is no other feasible means for you to achieve the benefit you seek. The variances are substantial but the property is not because of the way the house is configured. There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood. The alleged difficulty is self-created.**
CONDITION: Shed must be removed by May 31, 2023.

Mr. Shah: Second the Motion.
Roll Call Vote:

| | |
|----------------|-----|
| Mr. DellaCorte | YES |
| Mr. Shah | YES |
| Mr. Barr | YES |
| Mr. Lorenzini | YES |

Appeal No.: 23-7793 (Area Variance)

Michelle Marie Heinemann: Seeking an area variance Sections 240-37 and 240-30 (B) of District Regulations in an R40 Zoning District.

-Where only two accessory structures are permitted on a parcel, the applicant has seven accessory structures, thus requesting a variance to allow for the 2 sheds, two garages, 2 gazebos, three-apartment structure to remain.

-Where a fence can only be four feet in height in a front yard, the applicant is requesting to erect a 6 foot fence, thus requesting a variance to allow a 6 foot fence in the front yard.

The property is located at **1109-1111 Route 376** on a total of 25.2 acres and is identified as **Tax Grid Nos.: 6358-01-205670 (21.4 acres) and 6358-01-219740 (3.8 acres)** in the Town of Wappinger.

Present: Sarah Ryan – Applicant’s Attorney

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

Mr. Shah: **Motion to adjourn the Public Hearing to May 23, 2023.**
Mr. Barr: Second the Motion.
Vote: All present voted Aye.

Discussion:

Appeal No.: 23-7791 (Area Variance)

Cesar A. Barzallo: Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where fences in front yards can have a maximum height of 4 feet, the applicant is requesting a height of 6 feet along two streets, thus requesting a variance to allow a 6 foot fence along Roberts Road and Spook Hill Road.

The property is located at **15 Spook Hill Road** on 1.03 acres and is identified as **Tax Grid No.: 6257-01-003924** in the Town of Wappinger.

Present: Edwin Rodriguez – Applicant

Public Hearing on June 13, 2023.

Appeal No.: 23-7792 (Area Variance)

Brian A. Riguzzi: Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where 25 feet to the side (left) property line is required, the applicant can provide 6.5 feet for the legalization of a 12' x 14' wood shed, thus requesting a variance of 18.5 feet.

The property is located at **9 Larissa Lane** on 1.1 acres and is identified as **Tax Grid No.: 6358-03-246464** in the Town of Wappinger.

Present: Brian A. Riguzzi – Applicant

Site visit on May 20, 2023

Public Hearing on May 23, 2023

Appeal No.: 23-7794 (Area Variance)

Enrique & Erika Penafiel: 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 7 feet for the installation of an 18' above ground pool, thus requesting a variance of 18 feet.

The property is located at **96 Robinson Lane** and is identified as **Tax Grid No.: 6459-03-058412** in the Town of Wappinger.

Present: Enrique & Erika Penafiel – Applicants

Site visit on May 20, 2023

Public Hearing on May 23, 2023

Appeal No.: 23-7795 (Area Variance)

Jay & Dana VanBenschoten: 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 **10 feet** for the legalization of a (352 sf.) shed with overhang, thus request a variance of **40 feet**.

The property is located at **92 Hackensack Heights Road** on 2.2 acres and is identified as **Tax Grid No.: 6259-02-732509** in the Town of Wappinger.

Present: Jay & Dana VanBenschoten – Applicants

Site visit on May 20, 2023

Public Hearing on May 23, 2023

Appeal No.: 22-7772 (Area Variance)

Alpine Commons Multi-family Workforce Housing: Seeking an area variance Sections 240-37 and 240-81.7 of District Regulations in an SC Zoning District.

-Where a maximum of **93 dwelling units** is allowed, the applicant is proposing **144 dwelling units**, thus requesting a variance for an increase in the density for Mixed Uses to allow for **51 additional dwelling units** to be constructed.

-Where **2.5 stories or 35 feet** maximum building height is allowed, the applicant is requesting an increase to **3.5 stories or 50 feet building height**, thus requesting a variance of 1 story and/or **15 feet building height**.

-Where **282 parking spaces** is required for **144 dwelling units**, the applicant is requesting a decrease in required parking spaces to **238 parking spaces**, thus requesting a variance of **44 less parking spaces**.

The property is located at **1404 Route 9** and is identified as **Tax Grid No.: 6157-02-707773** in the Town of Wappinger.(Lead Agency: January 31, 2023)

Present: Neil Alexander – Attorney for Applicant
Brendan Lloyd – Dakota Partners
Brian Donato – Dakota Partners
Stephen Shak – Architects

Mr. Barr:

Mr. Shah:

Roll Call Vote:

Motion to go into Executive Session.

Second the Motion.

Mr. DellaCorte YES

Mr. Lorenzini NO

Mr. Shah YES

Mr. Barr YES

Mr. Horan:

For the record, Mr. Lorenzini has left and we still have a quorum. (8:31pm)

Mr. Barr: **Motion to come out of Executive Session.**

Mr. DellaCorte: Second the Motion.

Vote: All present voted Aye.

Mr. Horan: For the record, no action was taken in Executive Session.

Mr. Shah: **Motion to name David Barr as acting Chair for the remainder of the meeting.**

Mr. DellaCorte: Second the Motion.

Vote: All present voted Aye.

Mr. Barr: **Motion to authorize the Zoning Administrator, Barbara Roberti to prepare an Interpretation under Section 240-81.7.**

Mr. Shah: Second the Motion.

Vote: All present voted Aye.

Mr. DellaCorte: **Motion to Adjourn.**

Mr. Shah: Second the Motion.

Roll Call Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 9:39 PM

Bea Ogunti
Secretary
Zoning Board of Appeals