

## MINUTES

**Town of Wappinger  
Zoning Board of Appeals  
May 23, 2023  
Time: 7:00PM**

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

Summarized Minutes

### **Members:**

|                |          |         |
|----------------|----------|---------|
| Mr. Galotti    | Chairman | Present |
| 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            |

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## **SUMMARY**

### **Adjourned Public Hearing:**

|                                 |                  |
|---------------------------------|------------------|
| Christopher & Yasmine Slaughter | Variance granted |
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| Luis Gutierrez | Variance granted |
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| Michelle Marie Heinemann | Variance granted |
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### **Public Hearing:**

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| Brian A. Riguzzi | Adjourned to June 13, 2023 |
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| Enrique & Erika Penafiel | Variance granted as amended |
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| Jay & Dana VanBenschoten | Variance granted |
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| <b>Mr. Lorenzini:</b> | <b>Motion to accept the Minutes from May 9, 2023.</b> |         |
| Mr. Barr:             | Second the Motion.                                    |         |
| Roll Call Vote:       | Mr. DellaCorte  | AYE     |
|                       | Mr. Lorenzini   | AYE     |
|                       | Mr. Shah  | AYE     |
|                       | Mr. Barr  | AYE     |
|                       | Mr. Galotti   | Abstain |

**Video of the May 23, 2023 Zoning Board of Appeals Meeting:**

<https://www.youtube.com/watch?v=cMnnl6rOjXA&t=3193s>

**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.

Present: Christopher & Yasmine Slaughter – Applicants

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| <b>Mr. Barr:</b> | <b>Motion to open the Public Hearing.</b> |
| Mr. DellaCorte:  | Second the Motion.                        |
| Vote:            | All present voted Aye.                    |

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| <b>Mr. DellaCorte:</b> | <b>Motion to close the Public Hearing.</b> |
| Mr. Shah:              | Second the Motion.                         |
| Vote:                  | All present voted Aye.                     |

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| <b>Mr. Barr:</b> | <b>Motion to grant the applicant the variance. The benefit cannot be achieved by any other feasible means. There is no undesirable change to the neighborhood. It is a very large property and the way you have the structures oriented, it makes sense in relationship to the fields that exists. The request is substantial and there's no adverse, physical or environmental effects. The alleged difficulty is self-created.</b><br><b>CONDITION: Artist Studio cannot be used as rental or accessory apartment.</b> |
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| Mr. DellaCorte: | Second the Motion. |
| Roll Call Vote: | Mr. DellaCorte YES |
|                 | Mr. Lorenzini YES  |
|                 | Mr. Shah YES       |
|                 | Mr. Barr YES       |
|                 | Mr. Galotti YES    |

**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

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|------------------------|---|
| <b>Mr. DellaCorte:</b> | <b>Motion to open the Adjourned Public Hearing.</b> |
| Mr. Lorenzini:         | Second the Motion.                                  |
| Vote:                  | All present voted Aye.                              |

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| <b>Mr. Shah:</b> | <b>Motion to close the Adjourned Public Hearing.</b> |
| Mr. Barr:        | Second the Motion.                                   |
| Vote:            | All present voted Aye.                               |

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|---------------------|---|
| <b>Mr. Galotti:</b> | <b>Variance No. 1 (Front Porch) – Motion to grant the applicant the variance. The benefit cannot be achieved by any other feasible means. It will not create any undesirable effects to the neighborhood. The request is substantial but that in and of itself is not enough for me to deny the variance. The request will not have an adverse physical or environmental effects in the neighborhood. The alleged difficulty is self-created.</b> |
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| Mr. Lorenzini:  | Second the Motion. |
| Roll Call Vote: | Mr. DellaCorte YES |
|                 | Mr. Lorenzini YES  |
|                 | Mr. Shah NO        |
|                 | Mr. Barr YES       |
|                 | Mr. Galotti YES    |

**Mr. Galotti:** Variance No. 2 (Second Floor) – Motion to grant the applicant the variance. The benefit cannot be achieved by any other feasible means. It will not create an undesirable change to the neighborhood. The request is substantial but not enough for me to deny this variance. The request will not have any adverse effects on the environment. 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 |

**Mr. Galotti:** Variance No. 3 (Shed) – Motion to grant the applicant the variance. The benefit cannot be achieved by any other feasible means. It will not create an undesirable change to the neighborhood. The request is substantial but will not create an adverse effects on the environment. The alleged difficulty is self-created. The configuration of your property and the surrounding properties did weigh in on my decision to grant the variance. You have a lot of tight spaces you have to work in with what you are trying to do.

Mr. Lorenzini: Second the Motion.

Roll Call Vote:

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

#### **Appeal No.: 23-7793 (Area Variance)**

**Michelle Marie Heinemann:** Seeking an area variance Sections 240-37 and 240-21 (F) (1) 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    |
| Michelle Marie Heinemann – Applicant |

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

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

**Mr. Barr:** **Variance No. 1 (Accessory structures) – Motion to grant the applicant the variance. The benefit cannot be achieved by any other feasible means. There is no undesirable change to the neighborhood. The request is substantial and there is no adverse physical or environmental effects to the neighborhood. The difficulty is not self-created since it predates the number of structures required. CONDITION: Apartments to be switched over to caretaker apartments.**

**Mr. DellaCorte:** Second the Motion.  
**Roll Call Vote:**

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

**Mr. Barr:** **Variance No. 2 (Fence) – Motion to grant the applicant the variance. The benefit cannot be achieved by any other feasible means. It is not an undesirable change to the neighborhood. The request is not substantial and there is no adverse physical or environmental effects to the neighborhood. The alleged difficulty is self-created. CONDITION: Fence to be set back 9 feet along the front property line.**

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

|                |     |
|----------------|-----|
| Mr. DellaCorte | NO  |
| Mr. Lorenzini  | YES |
| Mr. Shah       | YES |
| Mr. Barr       | YES |
| Mr. Galotti    | YES |

**Public Hearing:**

**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 10'9" x 16'2" 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

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

Mr. Barr: Second the Motion.

Vote: All present voted Aye.

**Mr. Shah:** **Motion to adjourn the Public Hearing to June 13, 2023.**

Mr. Barr: Second the Motion.

Vote: All present voted Aye.

**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 **10 feet** for the installation of an 18' above ground pool, thus requesting a variance of **15 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

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

Mr. Lorenzini: Second the Motion.

Vote: All present voted Aye.

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

Mr. Lorenzini: Second the Motion.

Vote: All present voted Aye.

**Mr. Lorenzini:** Motion to grant the applicants the variance as amended. The requested variance will not produce an undesirable change in the character of the neighborhood. There is no substantial detriment to nearby properties. There is really no other feasible method available to seek the benefit you achieve other than the requested variance. The requested variance is substantial. The proposed variance will not have an adverse physical or environmental effect on the neighborhood or district. The alleged difficulty is not self-created because of the way the property lies.

Mr. DellaCorte: Second the Motion.

Roll Call Vote:

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

**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

**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. DellaCorte: Second the Motion.

Vote: All present voted Aye.

**Motion to grant the applicants the variance. The benefit cannot be achieved by any other feasible means. There is no undesirable change to the neighborhood given the typography of the surrounding properties. The request is substantial and there are no adverse physical or environmental effects. The alleged difficulty is not self-created.**

Second the Motion.

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

**Motion to adjourn.**

Second the Motion.

All present voted Aye.

Bea Ogunti  
Secretary  
Zoning Board of Appeals

Adjourned: 8:42 pm