

MINUTES

**Town of Wappinger
Zoning Board of Appeals
June 27, 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:

Mr. Horan	Town Attorney
Mr. Simpson	Town Planner
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Shawn M. Adams	Variance granted
Eileen Magnotta	Variance granted
Cesar A. Barzallo	Adjourned July 25, 2023

Discussion:

33 Middlebush Road	Site visit on July 22, 2023 Public Hearing on July 25, 2023
Julius Morton	Site visit on July 22, 2023 Public Hearing on July 25, 2023
Alpine Commons Multi-family Workforce Housing	Public Hearing on August 22, 2023

Mr. Lorenzini: **Motion to accept the Minutes from June 13, 2023.**
Mr. Barr: Second the Motion.
Vote: All present voted Aye.

Video of the June 27, 2023 Zoning Board of Appeals Meeting:
Part 1

<https://www.youtube.com/watch?v=-FFbC6mj37o&list=PLcCjg2q5NlgkcilLKVhTsjnwyp65fGoOM&index=54>

Part 2

<https://www.youtube.com/watch?v=2R95nGk321U&list=PLcCjg2q5NlgkcilLKVhTsjnwyp65fGoOM&index=53>

Public Hearing:

Appeal No.: 23-7796 (Area Variance)

Shawn M. Adams: Seeking an area variance Section 240-37 of District Regulations in an R40/80 Zoning District.

-Where **50 feet** to the rear property line is required, the applicant can provide **27 feet** for the installation of a 14' x 30' above ground pool, thus requesting a variance of **23 feet**.

The property is located at **38 Red Hawk Hollow Road** on 1.00 acres and is identified as **Tax Grid No.: 6359-02-795544** in the Town of Wappinger.

Present: Shawn M. Adams – 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. DellaCorte: Second the Motion.
Vote: All present voted Aye.

Mr. Barr: Motion to grant the applicant the variance. You really don't have any other location that would work for a pool. You could put it in your side yard but then essentially it appears to be your front yard which I think is the worse condition. The benefit cannot be achieved by any other feasible means. There is no undesirable change to the neighborhood. The request is proven as substantial. There is no adverse physical or environmental effects. 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

Appeal No.: 23-7797 (Area Variance)

Eileen Magnotta: Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where **20 feet** to the side (right) property line is required, the applicant can provide **8.6 feet** for the legalization of an existing 186 sf. screened in porch, thus requesting a variance of **11.4 feet**.

The property is located at **48 DeGarmo Hills Road** on 1.00 acres and is identified as **Tax Grid No.: 6258-02-777827** in the Town of Wappinger.

Present: Lillian Moynihan – Coldwell Banker Realty

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.

Mr. Galotti: Motion to grant the applicant the variance. The benefit cannot be achieved by any other feasible means. There is no undesirable change to the character of the neighborhood. The request is not substantial. The requested variance will not have an adverse physical or environmental effect to the neighborhood. 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

Appeal No.: 23-7791 (Area Variance)

Cesar A. Barzallo: Seeking an area variance Section 240-21 (F) 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: Cesar A. Barzallo – Applicant representative

Mr. DellaCorte: Motion to open the Public Hearing.

Mr. Lorenzini: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Motion to adjourn the Public Hearing to July 25, 2023.

Mr. DellaCorte: Second the Motion.

Vote: All present voted Aye.

Discussion:

Appeal No.: 23-7798 (Area Variance)

33 Middlebush Road: Seeking an area variance Section 240-37 of District Regulations in an R20/40 Zoning District.

-Where **75 feet** to a County road front yard property line is required, the applicant can provide **29 feet** for the reconstruction of a dilapidated building structure for contractor storage, thus requesting a variance of **46 feet**.

-Where **50 feet** to the rear yard property line is required, the applicant can provide **39 feet** for the reconstruction of a dilapidated building structure for contractor storage, thus requesting a variance of **11 feet**.

The property is located at **33 Middlebush Road** on a total of 1.75 acres and is identified as **Tax Grid Nos.: 6157-01-396837 (0.87 acres) and 6157-01-414840 (0.88 acres)** in the Town of Wappinger.

Present: Troy Wojciekofsky – Engineer

Site Visit on July 22, 2023
Public Hearing on July 25, 2023

Appeal No.: 23-7799 (Area Variance)

Julius Morton: Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where **40 feet** to the rear property line is required, the applicant can provide **27 feet** for the construction of a 16' x 32' in ground pool, thus requesting a variance of **13 feet**.

The property is located at **12 Fox Hill Road** on 1.00 acres and is identified as **Tax Grid No.: 6257-01-403820** in the Town of Wappinger.

Present: Julius Morton – Applicant

Site Visit on July 22, 2023
Public Hearing on July 25, 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. Galotti:

Motion to go into Executive Session for attorney/client session.

Mr. DellaCorte:

Second the Motion.

Vote:

All present voted Aye.

Mr. Galotti:

Motion to come out of Executive Session.

Mr. Shah:

Second the Motion.

Vote:

All present voted Aye.

Mr. Galotti:

Motion to authorize the Town Planner to work with applicant's representatives.

Mr. DellaCorte:

Second the Motion.

Vote:

All present voted Aye.

Mr. Galotti:

Motion to set a Public Hearing for August 8, 2023.

Mr. DellaCorte:

Second the Motion.

Vote:

All present voted Aye.

Miscellaneous:

Summer Schedule

Mr. Galotti:

Motion to cancel the July 11th and August 8th and retain the July 25th and August 22nd meetings.

Mr. DellaCorte:

Second the Motion.

Vote:

All present voted Aye.

Mr. DellaCorte:

Motion to adjourn.

Mr. Shah:

Second the Motion.

Vote:

All present voted Aye.

Respectfully Submitted,

Adjourned:

9:10 pm

Bea Ogunti

Secretary

Zoning Board of Appeals