

MINUTES

**Town of Wappinger
Zoning Board of Appeals
August 22, 2023
Time: 7:00 PM**

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

Summarized Minutes

Members:

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

Others Present:

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

SUMMARY

Adjourned Public Hearing:

33 Middlebush Road	Variances granted
Julius Morton	Variance granted
Cesar A. Barzallo	Variance granted

Public Hearing:

Christopher & Sherry DiCesare	Variance granted
Frank & Carol Borassi	Variances granted
Alpine Commons Multi-family Workforce Housing	Adjourned to October 10, 2023

Video of the August 22, 2023 Zoning Board of Appeals Meeting:

<https://www.youtube.com/watch?v=CwHCzuyUNsQ>

Mr. DellaCorte: Motion to accept the Minutes from the July 25, 2023 meeting.
Mr. Barr: Second the Motion.
Vote: All present voted Aye.

Adjourned Public Hearing:

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

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

PUBLIC COMMENTS:

Tim Stinson
12 Cameli Drive
Wappingers Falls, NY 12590

Alfonse Gardano
18 Scheule Drive
Wappingers Falls, NY 12590

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

Mr. Galotti: Motion to grant the applicant the variance as follow:

Variance No. 1 – The benefit cannot be achieved by any other feasible means. It will not produce an undesirable change in the character of nearby properties. The request is somewhat substantial but not enough for me to deny. There will not be an adverse effect on the physical or environmental condition in the neighborhood. The alleged difficulty is self-created.

Mr. DellaCorte: Second the Motion.

Roll Call Vote:

Mr. Dellacorte	YES
Mr. Lorenzini	YES
Mr. Shah	YES
Mr. Barr	YES
Mr. Galotti	YES

Mr. Galotti: Motion to grant the applicant the variance as follow:

Variance No. 2 – The benefit cannot be achieved by any other feasible means. It will not produce an undesirable change in the neighborhood. The request is not substantial. There will not be an adverse effect on the physical or environmental condition in the neighborhood. The alleged difficulty is self-created but not enough for me to deny. I also think it is time for that building to take on a new shape and form. It's been hanging around for quite some time.

CONDITION: Planning Board to take a good look at the first bay and how potential tractor trailers load and reload.

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.: 23-7799 (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 **20.5 feet** for the construction of an 18' x 36' in ground pool, thus requesting a variance of **19.5 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

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

PUBLIC COMMENTS:

Grace Martin
52 Fieldstone Loop
Wappingers Falls, NY 12590

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

Mr. Barr: **Motion to grant the applicant the variance. The lot behind you is a Conservation Zone. You can't see any neighbor and you have a narrow backyard. The benefit cannot be achieved by any other feasible means. There's no undesirable change to the neighborhood. The request is substantial. There are no physical or environmental effects and the request 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 240-37 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's representative

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

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

Mr. Galotti: **Motion to grant the applicant the variance to allow the existing 6 feet wood fence to remain. The requested variance will not produce an undesirable change in the character of the neighborhood. There is no substantial detriment to nearby properties. The requested variance is substantial and will not have an adverse physical or environmental effect in the neighborhood. The alleged difficulty is self-created.**
CONDITION: 6 feet wood fence currently on the property to remain. Roberts Road and Spook Hill Road vinyl fence to be built at 4 feet height.

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.: 23-7800 (Area Variance)

Christopher & Sherry DiCesare: Seeking an area variance Section 240-37 of District Regulations in an R20/40 Zoning District.

-Where **25 feet** to the side (left) property line is required, the applicant can provide **5 foot** for the construction of a 12' x 24' shed, thus requesting a variance of **20 feet**.

The property is located at **455 All Angels Hill Road** on .69 acres and is identified as **Tax Grid No.: 6357-03-151049** in the Town of Wappinger.

Present: Christopher DiCesare – Applicant

Mr. Lorenzini: **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. Lorenzini: Motion to grant the applicants the variance. The requested variance will not create an undesirable change to the character of the neighborhood. There will be no substantial detriment to nearby properties. There is no other feasible method and that's the way your property layout. The proposed variance will not have an adverse effect on the physical or environmental condition in the neighborhood. The alleged difficulty is self-created but that's not enough for me not to grant it.

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.: 23-7801 (Area Variance)

Frank & Carol Borassi: Seeking an area variance Sections 240-37 and 240-53 (B) (4) of District Regulations in an R-3A Zoning District.

-Where **40 feet** to the side (left) property line is required, the applicant can provide **35 feet** for the construction of a new addition, thus requesting a variance of **5 feet**.

-**Where no more than 35% of the current sf. can be used or a maximum of 1,000 sf. for an accessory apartment, the applicant is proposing an accessory apartment of 1,368 sf., thus requesting a variance of 368 sf.** This apartment is **1,148 sf.** on the main floor with **220 sf.** loft above.

-Where **50 feet** to the rear yard property line is required, the applicant can provide **28 feet** for the legalization of an existing above ground pool, thus requesting a variance of **22 feet**.

-Where **50 feet** to the rear yard property line is required, the applicant can provide **32 feet** for the legalization of an existing pool deck, thus requesting a variance of **18 feet**.

The property is located at **36 Smith Crossing Road** on 4.7 acres and is identified as **Tax Grid No.: 6359-03-102389** in the Town of Wappinger.

Present: Al Cappelli – Architect

Mr. DellaCorte: Motion to open the Public Hearing.

Mr. Lorenzini: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Motion to close the Public Hearing.

Mr. DellaCorte: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Motion to grant the applicants the variance as follows:
Variance No. 1 – The benefit cannot be achieved by any other feasible means. There will be no undesirable change to the neighborhood. The request is not substantial. The request will not have an adverse physical or environmental effect on the neighborhood. The request is self-created but not enough for me to deny.

Mr. Lorenzini: Second the Motion.

Roll Call Vote:	Mr. Dellacorte	YES
	Mr. Lorenzini	YES
	Mr. Shah	YES
	Mr. Barr	NO
	Mr. Galotti	YES

Mr. Galotti: Motion to grant the applicants the variance as follows:
Variance No. 2 – The benefit cannot be achieved by any other feasible means. There will be no undesirable change to the neighborhood. The request is substantial but not enough for me to deny. The request will not have an adverse physical or environmental effect on the neighborhood. The request is self-created but not enough for me to deny.

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: Motion to grant the applicants the variance as follows:
Variance No. 3 – The benefit cannot be achieved by any other feasible means. There will be no undesirable change to the neighborhood. The request is substantial but not enough for me to deny. The request will not have an adverse physical or environmental effect on the neighborhood. The request is self-created but not enough for me to deny.

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: Motion to grant the applicants the variance as follows:
Variance No. 4 – The benefit cannot be achieved by any other feasible means. There will be no undesirable change to the neighborhood. The request is substantial but not enough for me to deny.

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.: 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 **48 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 **96 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**.

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:

Alex Gladd – Attorney for Applicant
Brendan Lloyd – Dakota Partners
Brian Donato – Dakota Partners
Stephen Shak – Architects
Will Walter – Engineer

Mr. DellaCorte: Motion to open the Public Hearing.

Mr. Lorenzini: Second the Motion.

Vote: All present voted Aye.

PUBLIC COMMENTS:

Joseph Cavacini
166 Rosewood Drive
Wappingers Falls, NY 12590

Dawn Perkins
67 All Angels Hill Road
Wappingers Falls, NY 12590

Nick Clark
33 Sucich Place
Wappingers Falls, NY 12590

Grace Martin
52 Fieldstone Loop
Wappingers Falls, NY 12590

Lisa Olivieri
207 Old Hopewell Road
Wappingers Falls, NY 12590

Peter Hendricks
12 Gold Road
Wappingers Falls, NY 12590

Debbie O'Rourke
13 Sucich Place
Wappingers Falls, NY 12590

John Collins
49 Losee Road
Wappingers Falls, NY 12590

James Glorioso
50 Losee Road
Wappingers Falls, NY 12590

Barbara Defelipo
56 Lanegate Road
Wappingers Falls, NY 12590

Jonathan Matthews
2 Twin Oaks Road
Wappingers Falls, NY 12590

Kelly Matthews
2 Twin Oaks Road
Wappingers Falls, NY 12590

Patrick Carol
223 Myers Corners Road
Wappingers Falls, NY 12590

Charles Roe
38 DeGarmo Hills Road
Wappingers Falls, NY 12590

Robin Licari
15 Red Hawk Hollow Road
Wappingers Falls, NY 12590

Sally Williams
1 Briar Lane
Wappingers Falls, NY 12590

Sarah Dobbins
6 Schuele
Wappingers Falls, NY 125

Dawn Perry
39 Sucich Place
Wappingers Falls, NY 12590

Mr. Galotti:
Mr. Shah:
Vote:

Motion to adjourn to October 10, 2023.
Second the Motion.
All present voted Aye.

Mr. Galotti:
Mr. DellaCorte:
Vote:

Motion to adjourn.
Second the Motion.
All present voted Aye.

Respectfully Submitted,

Adjourned: 9:42 pm

Bea Ogunti
Secretary
Zoning Board of Appeals