

MINUTES

**Town of Wappinger
Zoning Board of Appeals
November 14, 2023
Time: 7:00PM
Summarized Minutes**

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

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. Wood	Conflict Attorney
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Douglas Mann	Variance granted
Joseph F. Grotzer, Jr.	Variance granted
Nicolas Martucci	Variance granted
Eric & Kelley Bender	Variance granted

Discussion:

Sally Boyce	Site Visit on November 25, 2023 Public Hearing on November 28, 2023
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Gasland Petroleum Rte. 9D
Hughsonville

ZBA voted to uphold Barbara Roberti's
Memorandum dated June 30, 2021

Miscellaneous:

Vote on 2024 ZBA meeting dates	Approved as amended
Alpine Commons Multi-family	Extension letter approved

Video of the November 14, 2023 Zoning Board of Appeals Meeting:

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

Mr. Barr: Motion to accept the Minutes from
October 10, 2023.
Mr. Shah: Second the Motion.
Vote: All present voted Aye.

Public Hearings:

Appeal No.: 23-7805 (Area Variance)

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

-Where no accessory structure on one acre shall be more than 800 square feet in size, the applicant is proposing a 30' x 40' garage (1200 square feet), thus requesting a variance of 400 square feet.

The property is located at **20 Widmer Road** on 1.00 acre and is identified as **Tax Grid No.: 6158-04-686447** in the Town of Wappinger.

Present: Douglas Mann – Applicant

Mr. DellaCorte: Motion to open the Public Hearing.
Mr. Barr: 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. DellaCorte: Motion to grant the applicant the variance. The requested variance will not produce an undesirable change to the neighborhood. There will be no substantial detriment to nearby properties. There is no other feasible means available for you to pursue the benefit you seek other than the requested variance. The requested variance is substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty is self-created.

Mr. Lorenzini:	Second the Motion.
Roll Call Vote:	Mr. DellaCorte YES
	Mr. Lorenzini YES
	Mr. Shah NO
	Mr. Barr NO
	Mr. Galotti YES

Appeal No.: 23-7806 (Area Variance)

Joseph F. Grotzer, Jr.: Seeking an area variance Section 240-37 of District Regulations in an R20 Zoning District.

-Where no accessory structure can be larger than 600 square feet in size on less than one acre, the applicant is proposing the legalization of a 12' x 19' (228 sf.) rear shed addition to a legal 20' x 24' (480 sf.) pole barn a total of 708 sf., thus requesting a variance of 108 square feet.

The property is located at **62 DeGarmo Hills Road** on .57 acres and is identified as **Tax Grid No.: 6258-02-773909** in the Town of Wappinger.

Present: Joseph F. Grotzer, Jr. – Applicant

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

Mr. Barr: 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 applicant the variance. I don't believe that the benefit can be achieved by any other feasible means. The requested variance does not produce an undesirable change in the character of the neighborhood because it is setback quite a bit from the front side yard. I don't believe the request is substantial. The proposed variance will not have an adverse effect on the environmental conditions in the neighborhood. However, the alleged difficulty is self-created but not enough for me to deny the variance.**

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.: 23-7807 (Area Variance)

Nicolas Martucci: Seeking an area variance Section 240-37 and 240-31 of District Regulations in an R40 Zoning District.

-Where 1200 sf. minimum size dwelling unit is required, the applicant can provide 536.5 sf, thus requesting a variance of 663.5 sf for the renovation and expansion of a structure.

The property is located at **221 Stonykill Road** on 1.00 acre and is identified as **Tax Grid No.: 6156-01-037510** in the Town of Wappinger.

Present: Nicolas Martucci – Applicant

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

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

Mr. Barr: **Motion to grant the applicant the variance. As we stated, this is a unique site condition. You have an existing building where the footprint has been grandfathered in and you cannot physically build a larger structure on site. The benefit cannot be achieved by any other physical means. There is no undesirable change to the neighborhood. The request is not substantial and there are no physical or environmental effects. It is debatable if the request is self-created, and yes it 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.: 23-7808 (Area Variance)

Eric & Kelley Bender: Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where 50 feet to the front yard property line is required, the applicant can provide 32 feet for the construction of a 6' x 21' extension of front steps including landing and additional stairs, thus requesting a variance of 18 feet.

The property is located at **18 Vorndran Drive** on 1.18 acres and is identified as **Tax Grid No.: 6357-01-040897** in the Town of Wappinger.

Present: Eric Bender – Applicant

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

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

Mr. Barr: **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 requested variance is substantial and there are no physical or environmental effects. 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

Discussion:

Appeal No.: 23-7809 (Area Variance)

Sally Boyce: Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **10 feet** to the rear yard property line is required, the applicant can provide **2 feet** for the legalization of an existing 9'8" x 9'5" shed, thus requesting a variance of **8 feet**.

-Where **25 feet** to the side (right) yard property line is required, the applicant can provide **15 feet** for the legalization of an existing car port, thus requesting a variance of **10 feet**.

-Where **50 feet** to the front yard property line is required, the applicant can provide **25 feet** for the legalization of an existing car port, thus requesting a variance of **25 feet**.

The property is located at **10 Card Road** on 0.35 acres and is identified as **Tax Grid No.: 6157-04-520274** in the Town of Wappinger.

Present: Derrick Boyce – Applicant's son

Site Visit on November 25, 2023
Public Hearing on November 28, 2023

Appeal No.: 21-7740 Gasland Petroleum Route 9D - Hughsonville: Decision on the remand from Supreme Court, to revisit the ZBA's determination on "Convenient Items". The property is located at **2357-2365 Route 9D** in an HM Zoning District and is identified as **Tax Grid Nos. 6157-01-048643** in the Town of Wappinger.

Mr. Galotti: **Motion to uphold the Memorandum dated June 30, 2021 written by Barbara Roberti.**
Mr. Lorenzini: Second the Motion.
Roll Call Vote: Mr. DellaCorte AYE
Mr. Lorenzini AYE
Mr. Shah AYE
Mr. Barr AYE
Mr. Galotti AYE

Miscellaneous:

Vote on 2024 ZBA meeting calendar

Mr. Shah: **Motion to accept the 2024 ZBA meeting dates to omit the July 9th and August 13th dates.**
Mr. Barr: Second the Motion.
Vote: All present voted Aye.

Alpine Commons Multi-family Workforce Housing – Extension letter approval

Mr. Galotti: We agreed with the applicant to move our Decision to the December 12th meeting. Therefore, we will not be addressing any Alpine Commons issues tonight.

Mr. Shah: **Motion to adjourn.**
Mr. DellaCorte: Second the Motion.
Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 10:05 pm

Bea Ogunti
Secretary
Zoning Board of Appeals