

MINUTES

**Town of Wappinger
Zoning Board of Appeals
January 8, 2019
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Prager	Chairman	Present
Mr. Casella	Co-Chair	Absent
Mr. DellaCorte	Member	Present
Mr. Galotti	Member	Present

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Raymond & Gianna Dell'Olio	Variance granted
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Discussion:

Michael Classey	Public Hearing on January 22, 2019 Site Visit on January 12, 2019
Paul LaValle	Public Hearing on January 22, 2019 Site Visit on January 12, 2019
Louis & Debra Camacho	Resubmit

Mr. Galotti: **Motion to accept the Minutes from December 11, 2018.**

Mr. DellaCorte: Second the Motion.

Vote: All present voted Aye.

Public Hearing:

Appeal No. 18-7666 (Variance)

Raymond & Gianna Dell'Olio: Seeking an area variance Section 240-37 of the District Regulations in an R15 Zoning District.

-Where **35 feet** is required to the front property line, the applicant can provide **28.9 feet** for a 7' x 9' porch and stairs, thus requesting a variance of **6.1 feet**.

The property is located at **8 Orchard Drive** and is identified as **Tax Grid No. 6257-03-300477** in the Town of Wappinger.

Mr. Prager: Bea, are all of the mailings in order?

Mrs. Ogunti: Yes, they are.

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

Mr. DellaCorte: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: Good evening. Come on up and state your name for the record.

Mr. Dell'Olio: Raymond Dell'Olio.

Ms. Dell'Olio: Gianna Dell'Olio.

Mr. Prager: Please tell us a little about what you need and why you need it in case someone in the audience is interested.

Mr. Dell'Olio: We would like to take off the old porch and put a 7 feet deep and 9 feet wide porch with longer box steps and ADA rails. The little porch that we have now that you saw she can barely open the door to stand on the porch.

Mr. Prager: We did see the condition of the porch when we did our site inspection. Is there anybody on the board with any questions? Is there anybody in the audience who would like to ask any question on this variance application? If not, I will entertain a motion to close the public hearing.

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

MR. DellaCorte: Second the Motion.

Vote: All present voted

Mr. Galotti: **Motion to grant the applicant the variance. I don't believe the variance can be achieved by any other feasible means. It certainly is not creating any undesirable effect to the neighborhood. I don't believe the request is substantial and it will have no adverse, physical or environmental effects to the character of the neighborhood.**

Mr. DellaCorte: Second the Motion.

Roll Call Vote: Mr. Galotti YES
Mr. DellaCorte YES
Mr. Prager YES

Discussion:

Appeal No. 19-7667 (Variance)

Michael Classey: Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **20 feet** is required to the side property line, the applicant can provide **1.1 feet** for the legalization of an existing pantry, thus requesting a variance of **18.9 feet**.

The property is located at **28 Lakeside Road** and is identified as **Tax Grid No. 6158-02-578612** in the Town of Wappinger.

Mr. Prager: Mr. Classey, come on up. Before we begin, I just want to put on the record that I'm recusing myself due to the fact that I know Mr. Classey very well. He's the building manager for a project we are doing at our fire district. Hopefully when the public hearing comes we will have a full board. With that please state your name for the record.

Mr. Classey: Mike Classey.

Mr. Prager: Please explain to us what you need and why you need it.

Mr. Classey: I am in the process of selling the house in question and we were due to close on December 22, 2018. Prior to that date the title company did a search and this issue came up so I'm trying to get that squared away. It's an existing utility room / pantry and it houses my water tank for the well, water filter and water filtration system. It's been there about 44 years.

Mr. Galotti: Is it attached to the house?

Mr. Classey: It is attached to the house. I do have some pictures if you want to see it.

Discussion continues.

Mr. Prager: Barbara, are you familiar with this property?

Mrs. Roberti: Yes, I looked into the record on this garage because it was so close. There is an existing garage that predates zoning and this one is built in the same footprint.

Mr. DellaCorte: When was the property built?

Mr. Classey: I bought it in 1977 and I think it was built in the 50s.

Mr. Prager: It was a summer community.

Mr. Classey: They later converted them into homes.

Mr. Prager: I will set the public hearing for January 22nd and we will do the site inspection for Saturday, January 12th around 9:00am.

Mr. Classey: Will you need to take a look inside?

Mr. Prager: Not really. Just the outside will be fine.

Mr. Classey: I'll meet you there because I'm not living there right now.

Mr. Prager: Bea, could you send us an email advising the others that we will be meeting on Saturday for the site inspection?

Mrs. Ogunti: Will do.

Appeal No. 19-7668 (Variance)

Paul LaValle: Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **40 feet** is required to the rear property line, the applicant can provide **3 feet** for the legalization of an existing shed, thus requesting a variance of **37 feet**.

-Where **20 feet** is required to the side property line, the applicant can provide **7 feet** for the legalization of an existing shed, thus requesting a variance of **13 feet**.

The property is located at **5 Malstrom Road** and is identified as **Tax Grid No. 6258-01-015537** in the Town of Wappinger.

Mr. Prager: Hi there. Please state your name.

Mr. LaValle: Paul LaValle.

Mr. Prager: Tell us a little bit about what you need.

Mr. LaValle: I have already begun construction of the storage shed with bad information because there was an older shed on my property that was dilapidated and fell down. I was told that as long as the shed was on my blueprints I could just put up a new shed and it would be okay. I was a sucker and didn't call to ask anything. I was not being disrespectful.

Mr. Prager: You are not the first person.

Mr. LaValle: I learned the hard way so I'm requesting to put up a shed. I have a one car garage and almost everyone in the area has a two car garage. It is a hardship of mine. I'm currently trying to get all of the tools in my garage out and in the shed so I can put my car in the garage.

Ms. LaValle: We have four drivers and one more coming up to drive so there will be 5 cars.

Mr. Prager: Why do you need the shed that close?

Mr. LaValle: I only put it there because I thought that's what the blueprint showed and that was the same footprint I had to use.

Mr. Prager: Can you move it a few feet this way and a few feet the other way. If you can't make it legal at least get it a little closer to that side.

Mr. LaValle: There's a tree there.

Mr. Prager: We will look at it.

Mr. LaValle: If it matters all of my neighbors approve of me having the shed.

Mr. DellaCorte: How big was the original shed?

Mr. LaValle: It was considerably bigger. I think I needed 10' x 10' and I made it 10' x 20'.

Mr. Prager: We will set the public hearing for January 22nd and the site visit on Saturday, January 12th.

Appeal No. 19-7669 (Variance)

Louis & Debra Camacho: Seeking an area variance Section 240-37 and 240-30B of the District Regulations in an R20 Zoning District.

-Where **20 feet** is required to the side property line, the applicant can provide **2 feet** for the construction of a 30' x 35' garage, thus requesting a variance of **18 feet**.

-Where **75 feet** is required from a County Road, the applicant can provide **46.9 feet** for the construction of a 30' x 35' garage, thus requesting a variance of **28.1 feet**.

-Where no more than two accessory buildings shall be permitted in any 1-family residential district. No such accessory building shall have a footprint greater than 600 square feet nor a height in excess of 20 feet. The applicant is proposing a 30' x 35' feet garage (1040 sf.), thus requesting a variance of 450 square feet.

The property is located at **49 Myers Corners Road** and is identified as **Tax Grid No. 6157-02-884982** in the Town of Wappinger.

Present:

Ciro Interrante – Architect
Shane Furnia – Contractor

Mr. Prager: Hi there. Come on up?

Mrs. Camacho: Hi I'm Debra Camacho.

Mr. Prager: Tell us a little bit about what you need.

Mr. Interrante: Hi my name is Ciro Interrante and I'm the architect for the project and this is Shane Furnia. If you look at your application I want to call your attention on the bottom page requesting that front variance to construct a porch in the front of the house. Debra's mom is coming to live with her and she's elderly and a little over 50% of the house is being remodeled. We are hoping to also get approval for the covered porch in the front of the house.

Mr. Prager: Mrs. Roberti, you had something you wanted to talk about?

Mrs. Roberti: Yes, there are a couple of issues with the variance application. When one of you came in with the alteration to the permit for your home and the garage separate and to be able to move ahead with the renovation you took the porch off.

Mr. Interrante: Correct.

Mrs. Roberti: So there is no denial for the front porch because you didn't resubmit and application for the porch or amend the house. All that was submitted was the application for the garage.

Mr. Interrante: Is it possible for us to amend the house?

Mrs. Roberti: I already spoke to the board prior so I will need the front yard measurement from the garage to Myers Corners Road. I need you to submit plans for the porch so I can deny it and that variance can be added to this application for the next meeting.

Mr. Furnia: I think we got a denial for the front?

Mrs. Roberti: You did so it won't hold up the construction and the plans were removed for the front porch. To move forward you will have to resubmit for the porch.

Mrs. Camacho: All of this came about because my mother is 90 years old and she has Alzheimer's and I am bringing up my grandson who is autistic. So we had to separate the garage from the house because of the noise. I even had my house sound proof. The noise attracts him to the road and he wants to dart out.

Mr. DellaCorte: I'm sorry I am not sure I understand that. So all of this came about for putting a garage up?

Mr. Interrante: No, she wanted to separate the garage from the house because of the noise. Her husband has two motorcycles and he works in the shop so they have to keep it detached for the noise. The existing garage was too small to put anything in there. They have two motorcycles, a van which is his work vehicle and two large everyday vehicles and a Subaru. So we want to get all of them somewhere under cover.

Mr. Interrante continues.

Mrs. Roberti: I just want to clarify for you that right-of-way will be distinguished once this map gets filed. The building next to you is coming down and a ranch is going to be built and going to be pushed back pretty much on the side of where you want to build the garage.

Mrs. Camacho: So there's going to be a driveway there?

Mr. Interrante: Yes, they are tearing down this building.

Mrs. Roberti: I thought you should know that as you are going forward.

Mr. Prager: Is there a reason why you can't move it back a little? Also, what's the distance between the house and the garage?

Mr. Interrante: It is 10 feet and we want to keep it detached because of noise.

Mr. Prager: Is there any way you can sound proof the house and move the garage right up to the house? That's really close so you can either move the garage back a little or move it towards the house or make it smaller.

Mr. Interrante: We wanted to keep a walkway around the house.

Mr. Prager: So why can't you move the garage back?

Mr. Interrante: We could do that.

Mr. Furnia: We can only go so far back because there's a 40 feet setback.

Mr. Interrante: The house is 55 feet from the back property line so I think we could probably move it back about 5-10 feet.

Mr. Furnia: We will probably need a variance.

Mr. Prager: Think about how far back you can make it.

Mr. Interrante: This helps a lot knowing what's going in there now.

Mr. Prager: Once that house next to you is built, I'm not sure that you want a driveway a foot from your property?

Mr. Interrante: We will look and take it all into consideration. We will take a look out there, do some flagging and see what we can come up with.

Mr. Prager: Mrs. Roberti, does that sound feasible?

- Mrs. Roberti: Yes, definitely better than you being on top of the property line with a very large structure the size of some homes.
- Mr. Interrante: Also, there might be a building code for separation.
- Mrs. Roberti: If it is not attached it is 6 feet and from the property line it is 5 feet. For that matter alone you won't be able to get that variance.
- Mr. Interrante: Right, unless we had a fireproof structure.
- Mr. Furnia: We were assuming that right-of-way would never be used.
- Mr. Interrante: Ok, so we have a few things we need to do. We need to revise our application and change the garage. What's about the front porch or the size of the garage?
- Mr. Galotti: What about the 35' x 35' you are proposing. Is that 35' deep and 35' wide?
- Mr. Interrante: Yes.
- Mr. Galotti: If you shrunk it a little bit that would help the cost as well. Barbara, do you know what the rear setback is?
- Mrs. Roberti: It is 40 feet. So they could go back 16 feet without needing a rear variance. Or you could go back 20 feet and maybe not need a side variance and maybe the board won't mind giving you a few feet to the rear.
- Mr. Prager: It would be easier to give a variance back there.
- Mr. Interrante: We don't want to push it too far back.
- Mr. DellaCorte: The size of the garage is almost a 1,000 square feet when supposedly 600 square feet is required.
- Mr. Interrante: Yes, I know.
- Mrs. Camacho: That's because mom has a lot of stuff and I don't know if we have to equip the van with special things to help her get around.
- Mr. Prager: Why don't you get everything changed and come back.

Mr. Interrante: The meetings are every two weeks?

Mr. Prager: The next meeting will be January 22nd.

Mrs. Roberti: You have to submit by Monday morning.

Mr. Prager: We are going to do the site inspection this Saturday and
once we are all settled we will do the public hearing.

Mr. Interrante: Thank you.

Mrs. Camacho: Thank you.

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

Respectfully Submitted,

Adjourned: 8:00 pm

Bea Ogunti
Secretary
Zoning Board of Appeals