

Town of Wawayanda ZONING BOARD OF APPEALS
June 13, 2019 / 7:00 P.M.

Members Present: **Richard Onorati, Chairman**

Rosario LaSpina

Daniel Post

Raymond Spiak

Jeffrey Soons

James Beuerman, Alternate Member (absent)

Consultant Present: David Bavoso, Attorney

Recording Secretary:

Patricia Battiato

The June 13, 2019 Town of Wawayanda Zoning Board of Appeals was called to order by Chairman Richard Onorati at 7:00 P.M.

I. PUBLIC HEARING

Bergen / SBL# 19-1-23.22 / AR-Agricultural Residential Zone / Bergen Circle

Applicant is applying for an AREA Variance of the Town of Wawayanda Zoning Regulation 195-17 A (7) (a) in order to allow more than the maximum square footage on an accessory structure.

The Certified Return Receipts were previously collected and recorded. The Secretary read the Public Hearing Notice as it appeared in the Times Herald Record.

Chairman Richard Onorati read into the record the comments received from Orange County Planning Department were the County Recommendation was left to local determination, and they commented that the Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While Zoning Board of Appeals must weigh the local issues in balancing the

needs of the appellant with the potential impacts of the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter.

Chairman Onorati asked who was presenting and what was the request.

Mr. James Bergen approached the board and stated his name for the record. Mr. Bergen explained that he wants to build a 30 x 44 barn near his house. Originally, he was going to go with a 2000 sf, but has since revised it to be 1320 sf.

Mr. Bergen said that he didn't believe it would take away from the other homes in the area. The house next door, he thinks, has a 10 x 48 shed further down in the back, mine will be a little more visible. It will be the same color as the siding of our house, should be a pretty good fit.

This is really just a little bit over on square feet, if I went with your requirements, I'd have a truss 2 feet and I'd be wasting 2 feet. So, on 4 feet (that's why I'm 44 feet) the truss is going to be there, so I might as well take advantage of 2 more feet.

Chairman Richard Onorati asked Mr. Bergen what is to the difference in what is allowed versus what you are asking for? Attorney Bavoso said that it was 70 sq. ft.

Chair Onorati opened the Public Hearing by asking for any questions, comments or concerns from the public. Let the record show that there were none. Chairman Onorati closed the Public Hearing and asked for a motion.

Motion by Jeffrey Soons, seconded by Daniel Post to grant the area variance for 70 sq. ft.

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Chairman Onorati asked Mr. Carr what his request was. Mr. Carr explained that he wishes to build a replacement barn for one that unfortunately was removed in the 1990s.

Chairman Onorati opened the Public Hearing by asking for any questions, comments or concerns from the public.

Mr. James Bacigalupo, who lives directly across the street had some concerns regarding the water, and talked about the drainage crossing right off the road in front of the old Presbyterial Church and enter the culvert and actually runs along my property along south Centerville Road and makes a 90-degree angle straight to this proposal. The release of the water is what I am concerned with. When the snow melts in the spring my property floods about 1/3 of my lawn is covered in water. I maintain the culvert and the 90-degree angle, my concern is the release of water. Something built there may impede the natural drainage of what the town now owns. They own the culvert across the road. I don't care what Bob builds; I am concerned about the water drainage problem.

Chairman Onorati asked Mr. Carr how do you respond to that?

Mr. Carr explained that we have it ditched down, the only one it bothers is Diane Potter, it goes into her yard, but it's been there since the 50s.

Chairman Onorati asked Mr. Carr if this is a town problem, it's not your problem? Mr. Carr replied that he doesn't have a problem. It was discussed to have our Attorney write a memo to the Highway Department to look at the water issue.

Chairman Onorati asked if there were any other comments. There were none. Chairman Onorati closed the Public Hearing, and asked for a motion.

