

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
March 22, 2011**

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

**Summarized Minutes**

**Members:**

Mr. Prager,	Chairman
Mr. DellaCorte,	Member
Mr. Kuzmicz,	Member
Mr. Casella,	Member
Mr. VanTine,	Member

**Others Present:**

Mr. Horan,	Town Attorney
Mrs. Roberti,	Zoning Administrator
Mrs. Dao,	Secretary

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**SUMMARY**

**Public Hearings - Interpretation:**

**A. W. Scrap Processors:** - Public Hearing closed. Decision.

**Miscellaneous:** -Minutes accepted for January 11, 2011  
February 8, 2011

Mr. Prager: First on the agenda is the approval of minutes for January 11, 2011 and February 8, 2011.

**Mr. Kuzmicz:** **Motion to approve the minutes for** January 11, 2011 & February 8, 2011

Mr. Dellacorte Second the motion.

Vote: All present voted aye.

**Discussions:**

**Appeal No. 11-7433**

**BVM Builders Inc.** : Seeking a variance of Section 240-37 of District Zoning Regulations for CC Zoning District.

-Where **a front yard setback of 75 feet is required**, the applicant is **proposing a front yard setback of 70 feet**, to allow for a front overhang and columns on a new professional building, **thus requesting a variance of 5 feet**.

The property is located at **2054 Route 9D** and is identified as **Tax Grid No. 6056-02-783920** in the Town of Wappinger.

Present John Mirabilio Applicant

Mr. Mirabilio: The reason I am here is because I need a variance for my building that I already started.

Mr. Pager: Tell me about the building.

Mr. Mirabilio: This is an office. The engineer didn't plot the building on the map properly. I need four columns in front of the building. The engineer didn't measure from the property line. The rear of the building would encroach into the wetlands if the building were moved.

Mr. Pager: Is there anything there now?

Mr. Mirabilio: The foundation is built.

Mr. Dellacorte: Can you mark it out for us to see at a site visit?

Mr. Prager: Put stakes where the columns are proposed. We will make a site visit of your property on March 12, 2011, Saturday at 9:00am. Next meeting, there will be a public hearing on March 22, 2011.

Mr. Mirabilio: Thank you.

Mr. Prager: The next item on the agenda is A.W. Scrap Processors. We had closed the public hearing and are supposed to give a decision for the interpretation. I want to have a quick executive session to talk about

legal information.

Mr. Kuzmicz: Motion to go into executive session.  
Mr. Casella: Second the motion  
Vote: All present voted aye.

Mr. Kuzmicz: Motion to come out of executive session.  
Mr. Casella: Second the motion  
Vote: All present voted aye.

**Appeal No. 10-7430**

**A.W. Scrap Processors, Inc.** - Seeking an Interpretation of Section 240-16(B) (1): Nonconforming uses and structures, Town of Wappinger Zoning Code as to the use of the 4 acre southern portion of the property. The property is located **1978 Route 9D** and is identified as Tax Grid No. **6056-02-688723/721673/680695** in the Town of Wappinger. (Sarcone)(PH open & closed 2-8-11).

Present: John Sarcone Attorney

Mr. Prager: No action was taken in executive session. We have a decision; I would like to read portions of it. I have a total of our decision that will be put into the records. It explains the premises and the people that testified at our last meeting. I am going to read the last portion of the decision. The last page starts at "decision".

Mr. Prager read out loud to the public the last page of the decision. ...It is the determination of this Board that the use of this parking area on Lot 680695, as shown on the site plan is a continuation of a legally pre-existing non-conforming use that predates the Town of Wappinger Zoning Ordinance that was adopted in 1963... this Board wishes to inform the Planning Board that it should consider imposing the following condition in its resolution of site plan approval... no use of Lot 680695 should be made other than what is shown on the site plan. AW Scrap should be required to file a declaration in the Office of the Dutchess County Clerk setting forth at length that condition and provide for penalties for violation of the condition...

Mr. Prager: Has everyone in our group read this? Are there any additions or changes that want to be made? If not; can I have a motion to accept the decision for interpretation?

Mr. Casella: Motion to accept the interpretation.  
Mr. VanTine: Second the motion  
Vote: All present voted aye.

Mr. Sarcone: Thank you.

Mr. Prager: What happened with Mr. Indorf and his pool application from a couple of meetings ago?

Mrs. Roberti: I issued a Stop Work Order to him. The gentleman moved his driveway without any permits. The back lot is land locked. His wife wants a pool. He hired an engineer to put a driveway to the back to where it was originally approved. That is the easiest and least expensive way to fix the problem.

Mr. Horan: What was the variance for?

Mrs. Roberti: The rear setback requires 50' to the property line. She wants it at 22' to the rear. This would be the front yard of the rear lot.

Mr. Kuzmicz: **Motion to adjourn.**

Mr. Casella: Second the motion

Meeting ended at 8:00 PM

Respectfully Submitted,

Susan Dao, Secretary  
Zoning Board of Appeals