

MINUTES

**Town of Wappinger
Zoning Board of Appeals
October 25, 2011**

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

Summarized Minutes

Members:

| | |
|-----------------|----------|
| Mr. Prager, | Chairman |
| Mr. Dellacorte, | Member |
| Mr. Casella, | Member |
| Mr. Kuzmich, | Member |

Absent:

Others Present:

| | |
|---------------|----------------------|
| Mr. Horan, | Attorney |
| Mrs. Roberti, | Zoning Administrator |
| Mrs. Dao, | Secretary |

SUMMARY

Brian & Christine Zandstra:

- Public Hearing on November 9, 2011.

Stuart Desousa:

- Public Hearing on November 9, 2011.

228 Myers Corners Road, LLC:

- Public Hearing on November 22, 2011.

Mr. Horan: For the record, Due to the resignation of one member we have four members.

Mr. Kuzmicz: Motion to approve the minutes for June 14, 2011, June 28, 2011, July 12, 2011, and July 26, 2011.

Mr. Casella: Second the motion.

Roll call:

Mr. Dellacorte, Aye.

Mr. Kuzmicz, Aye.

Mr. Casella, Aye.

Mr. Prager, Aye.

Discussion:

Appeal No. 11-7447

Brian & Christine Zandstra: Seeking a variance of Section 240-37 of District Zoning Regulations for R-20-40 Zoning District.

-Where a side yard setback of 25 feet is required, the applicant is proposing a side yard setback of 5 feet, to allow for the construction of a new family room and 2-car garage, thus requesting a variance of 20 feet.

-Where a front yard setback of 50 feet is required, the applicant is proposing a front yard setback of 33 feet, to allow for the construction of a new family room and 2-car garage, thus requesting a variance of 17 feet.

The property is located at **6 Fowlerhouse Road** and is identified as **Tax Grid No. 6157-04-552342** in the Town of Wappinger.

Present Brian & Christine Zandstra Owners

Mr. Prager: Please tell us why you are here.

Mr. Zandstra: We need a variance to construction a new family room and 2-car garage. We are taking down the breezeway and 1 car garage.

Mr. Prager: Are you going wider?

Mr. Zandstra: No.

Mr. Prager: The plot plan says it will be 5.2 feet from the side yard property line.

Mr. Zandstra: Yes.

(Discussion took place of property line distances to the property line.)

Mr. Prager: I would like to see the drawings. Stake out where the garage will be and we will come out for a site visit on November 5, 2011 at 9:00am. We will have a public hearing on November 9, 2011.

Mrs. Roberti: By Friday the sketch will be in and mailed to the ZBA.

Mr. Zandstra: Thank you.

Appeal No. 11-7448

Stuart Desousa: Seeking a variance of Section 240-37 of District Zoning Regulations for an R-10 Zoning District.

-Where a Rear yard setback of 25 feet is required, the applicant is proposing a rear yard setback of 7 feet 6 inches, to allow for the construction of a 10' X 10' rear deck, thus requesting a variance of 17 feet 6 inches.

The property is located at **12 Seneca Lane** and is identified as **Tax Grid No. 6157-01-488551** in the Town of Wappinger.

Present James Hoffman Contractor

Mr. Prager: I see you are replacing a deck with the same size deck. This is a small lot.

Mr. Hoffman: We Yes it will be the same size deck.

Mr. Casella: Is the deck enclosed?

Mr. Hoffman: No. It's an open deck.

Mr. Prager: We will make a site visit on November 5, 2011 after 9:00am. We will have a public hearing on November 9, 2011.

Mr. Hoffman: I can meet you at the site. You can call me at 845-656-6552. Thank you.

Interpretation:

Appeal No. 11-7438

228 Myers Corners Road, LLC - Seeking an Interpretation of Section 240-16: **Nonconforming uses and structures, Town of Wappinger Zoning Code as to the use of the 6.27 acres of property, 3.5 acres are in the NB Zone, and 2.77 acres are in the R-40 Zone.** The property is located at **228 Myers Corners Road** and is identified as **Tax Grid No. 6258-02-702520** in the Town of Wappinger.

Present Mr. Rick O'Rourke Attorney – Keane & Beane PC.

Mr. O'Rourke: Was involved with this property 12 to 15 years ago. He made an informal discussion about what took place at the last ZBA meeting. Then provided affidavits while explaining the history of what took place over the years.

(Discussion took place at the dais showing a map to the ZBA.)

Mr. O'Rourke: Read from a letter dated March 23, 2001.

Mrs. Roberti: Can you fax to me a copy of the letter?

Mr. O'Rourke: Yes. (Continued giving more history of this property.)

Mr. Boric: I am the owner of the property. (Explained what the present tenants are doing.)

Mr. O'Rourke: After all that was said and done, in good faith Mr. Boric cleaned up the property.

- Mr. Kuzmicz: Is the garbage and debris still there?
- Mr. Boric: No. When the debris of the tires accumulates to a certain amount they go into the dumpster. The spools are the same. They are doing normal business with debris.
- Mrs. Roberti: This was in court for a while.
- Mr. O'Rourke: I request that you make an inspection. It's a lot better than it was 10 years ago.
- Mr. Casella: Let's make a site visit.
- Mr. O'Rourke: The conclusion letters are submitted. We are asking for an interpretation for storage of material on the property.
- Mr. Walsh: I dealt with the variance for the motorcycle shop. But, it was found to be allowed so the variance was dropped.

(Discussion of what took place when Mr. Walsh was involved.)

- Mr. Prager: We will make a site visit on November 19, 2011 and you can come back to the ZBA on November 22, 2011.
- Mr. Horan: Is it possible to get an updated site plan with what the current uses are?
- Mr. Prager: We have a survey from 2005.
- Mrs. Roberti: That was not an approved map.
- Mr. Prager: Can you update the storage area?
- Mr. O'Rourke: Yes, we can. This is a financial hardship.
- Mr. Boric: When we took over the property we expended \$100,000 cleaning up. We are just asking for fairness.

Mr. Casella: Motion to go into executive session for legal advice.
Mr. Kuzmicz: Second the motion.

Mr. Casella: Motion to come out of executive session.
Mr. Kuzmicz: Second the motion.

Mr. Prager: Motion to write a letter to the Town Board recommending Al Casella continue on the Zoning Board of Appeals.

Mr. Dellacorte: Second the motion.
Roll call: All present vote aye.

Mr. Kuzmicz: **Motion to adjourn.**
Mr. Casella: Second the motion.

Meeting ended at 9:30 PM

Respectfully Submitted,

Susan Dao, Secretary
Zoning Board of Appeals