

Draft

MINUTES

**Town of Wappinger
Zoning Board of Appeals
December 13, 2011**

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

Summarized Minutes

Members:

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

Absent :

Others Present:

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

SUMMARY

Public Hearing:

Michael and Martha Drago:

- Public Hearing closed. Decision.

Discussion:

John Marchesona:

- Public Hearing on January 10, 2012.

Ann Costigan:

- Public Hearing on January 10, 2012.

228 Myers Corners Road, LLC:

- Decision. Proceed to the Planning Board.

Mr. Prager: First on the agenda is the approval of minutes for November 22, 2011.

Mr. Kuzmicz: Motion to approve the minutes for November 22, 2011.

Mr. Casella: Second the motion.

Vote: All present voted aye.

Approve Minutes for November 22, 2011.

Public Hearing:

Appeal No. 11-7449

At the request of **Michael and Martha Drago** is seeking a variance of Section 240-37 of District Zoning Regulations for an R-20 Zoning District.

-Where **a front yard setback of 75 feet is required**, the applicant is **proposing a front yard setback of 55.23 feet**, to allow for the construction of a front porch, **thus requesting a variance of 19.77 feet**.

The property is located at **237 All Angels Hill Road** and is identified as **Tax Grid No. 6257-02-851938** in the Town of Wappinger.

Mr. Dellacorte: **Motion to open the public hearing.**

Mr. Kuzmicz: Second the motion.

Vote: All present voted aye.

Mr. Prager: Are all the mailings in order?

Mrs. Dao: Yes they are.

Mr. Prager: For the audience, please tell us again what you need and why.

Mr. Drago: We want to add a roof over the front door.

Mr. Prager: We went out to make a site visit. We received a letter from Mrs. Bombace of 6 Hilltop Drive. (Letter was read to the public and entered into the record). We also received a Zoning Referral from DC Planning stating it is a local concern. Minimal steps come out farther. Is there anyone in the audience to speak for or against this project.

Mr. Kuzmicz: **Motion to close the public hearing.**

Mr. Casella: Second the motion.

Vote: All present voted aye.

Mr. Casella: **Motion to grant the variance. This will not produce an undesirable change to the neighborhood. It's not unique to other properties. The request is not substantial. It does not have an adverse impact to the physical environment. I make a motion to grant this variance.**

Mr. Kuzmicz: Second the motion.

Vote: All present voted aye.

Discussion:

Appeal No. 11-7450

John Marchesona: Seeking a variance of Section 240-37 of District Zoning Regulations for R-40 Zoning District.

-Where **a side yard setback of 25 feet is required**, the applicant is **proposing a side yard setback of 17 feet 8 inches**, to allow for the construction of a front porch 8' x 23', rear deck 16' x 29, Screened porch 16' x 21', bump out bedroom 5', relocate master walk in Closet, **thus requesting a variance of 7 feet 4 inches**.

-Where **a front yard setback of 50 feet is required**, the applicant is **proposing a front yard setback of 43 feet 3 inches**, to allow for the construction of a front porch 8' x 23', rear deck 16' x 29, Screened porch 16' x 21', bump out bedroom 5', relocate master walk in Closet, **thus requesting a variance of 6 feet 9 inches**.

The property is located at **82 Brothers Road** and is identified as **Tax Grid No. 6358-03-018299** in the Town of Wappinger.

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| Present | Mr. Marchesona | Owner |
| Mr. Prager: | Explain what you need and we will ask questions. We will also set a site visit. | |
| Mr. Marchesona: | 14 Years ago I cut off the roof and built up. Now we want to build out, add a porch and make bigger. | |
| Mr. Prager: | The existing build out was 18' to the property line, now you want to go for a larger variance. Is property marked out? | |
| Mr. Marchesona: | Yes. I also have a recent survey. | |
| Mr. Prager: | We will have a site visit. Please have the side lines marked out where the deck is and the proposed deck. Is the pool legal? | |
| Mr. Marchesona: | Yes I also have plans of the fencing in the back yard. | |
| Mr. Prager: | We will have a site inspection on January 7, 2012 and a Public Hearing on January 10, 2012. | |

Appeal No. 11-7451

Ann Costigan : Seeking a variance of Section 240-37 of District Zoning Regulations for R-40 Zoning District.

-Where **a front yard setback of 75 feet is required from a County or State Highway**, the applicant is **proposing a front yard setback of 14 feet 2 inches**, to allow for the replacement and extension of a front deck 16' x 14'6, **thus requesting a variance of 60 feet 10 inches**.

-Where **a rear yard setback of 50 feet is required**, the applicant is **proposing a rear yard setback of 10 feet**, to allow for the construction of a new rear deck 27' x 15", **thus requesting a variance of 40 feet**.

The property is located at **1222 Route 376** and is identified as **Tax Grid No. 6358-01-213931** in the Town of Wappinger.

Present Jordan Hidalgo Contractor of 4 Brothers Improvements

Mr. Prager: Tell us what you want to do.

Mr. Hidalgo: We want to put a deck in the rear by the slider door where there is no deck (a safety hazard). The front deck is existing. It's small on grade. You have to park your car then walk up the hill then step up to the deck. Grading was done due to flooding of the house.

Mr. Prager: The survey is in the file. How does the driveway come in to the property?

Mr. Hidalgo: The driveway comes in on the right side of the house to the 2 car garage under the house.

Mr. Prager: We will have a site visit on January 7, 2012 at 10:30am. Can you mark the property line?

Mr. Hidalgo: It is currently staked out.

Mr. Prager: Will you be there?

Mr. Hidalgo: If not, the owner will be there. 845-633-3113.

(Discussion at the Dais)

Mr. Prager: The Public Hearing will be on January 10, 2012.

Mr. Prager: Motion to go into executive secession for legal advice.

Mr. Kuzmicz: Second the motion.

Vote: All present voted aye.

Mr. Dellacorte: Motion to come out of executive secession.

Mr. Kuzmicz: Second the motion.

Vote: All present voted aye.

Interpretation 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 **228 Myers Corners Road** and is identified as **Tax Grid No. 6258-02-702520** in the Town of Wappinger.

Present Mr. O'Rourke Attorney

Mr. Prager: We have come to a decision.

Mr. Horan: Mr. Casella was not present for the public hearing.

Mr. Casella: For the record I was not present but I did read the minutes and received all documents. I am prepared to make a decision.

Mr. Horan: Friday September 24, 1999 there was a memo from Mark Liebermann. Enter into the record attached is a CO dated December 24, 1968 for Building #2 for car storage and garage. Also March 4, 1968 minutes Planning Board site plan. June 2, 1988 site plan approval ref. building #1 showroom. June 16, 1980 minutes approval site plan. June 16, 1980 conditions.

Mr. Prager: I received a letter dated December 1, 2011 from John Simonetty and a package on December 9, 2011 from Richard O'Rourke. I will read from the Interpretation 13 items. This information will be included in the record.

(Mr. Prager read the decision page 4 to the public)

(Mr. Kuzmicz read a statement referencing the decision and the effects of the residents)

Mr. Casella: **Motion to accept the decision.**

Mr. Dellacorte: Second the motion.

Vote Roll call:

Mr. Dellacorte: Aye.

Mr. Casella: Aye.

Mr. Kuzmicz: Aye.

Mr. Prager: Aye

Mr. O'Rourke: Thank you I will precede to the Planning Board.

Mr. Kuzmicz: This will be my last meet meeting. I am resigning as of December 31, 2011 at 11:59pm. I am moving to the Town Board. Mr. Prager, your leadership has been tremendous. I enjoyed working with the board. Thank you.

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

Mr. Dellacorte: Second the motion.

Meeting ended at 9:00 PM

Respectfully Submitted,

Susan Dao, Secretary
Zoning Board of Appeals