

Town of Wappinger
Zoning Board of Appeals
February 28, 2012

Town Hall
20 Middlebush Road
Wappinger Falls, NY

DRAFT MINUTES

Members Present:

Mr. Dellacorte	Member
Mr. Casella	Member
Mr. Johnston	Member
Mr. Galotti	Member
Mr. Prager	Chairman

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Gale	Secretary

SUMMARY

Mr. & Mrs. J. Indorf	- Variance Granted
Mr. Swenson	- Public Hearing Set 3-27-12
Mr. Mustakas	- Public Hearing set 3-13-12
Mr. O'Sullivan	- Withdrawn

Town of Wappinger
Zoning Board of Appeals
February 28, 2012

Minutes

Members

Present: Al Casella
Tom Della Corte
Bob Johnston
Peter Galotti
Howard Prager

Also Present:

Michelle Gale – Secretary
Barbara Roberti – Zoning Administrator

Approval of Minutes for 1-24-12
2-14-12

Motion to Approve: Mr. Casella
Second Mr. Johnston
All in Favor Aye

Motion to Open Public Hearing:

Motion: Mr. Casella
Second Mr. Johnston
All in Favor Aye

Mr. Casella: Are all the mailings in?

Mrs. Gale: Yes they are all in

Appeal No. 11-7432:

JOSHUA G. INDORF: Seeking a variance of Section 240-37 of District Zoning Regulations for R-40 Zoning District.

-Where **a rear yard setback of 50 feet is required**, the applicant is **proposing a rear yard setback of 20 feet**, to allow an In ground pool 20' X 40' in the rear yard, **thus requesting a variance of 30 feet.**

The property is located at **140 Old Hopewell Rd.** and is identified as

Tax Grid No. 6157-01-313530 in the Town of Wappinger.

Town of Wappinger
Zoning Board of Appeals
February 28, 2012

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Mr. Prager: Please state your name and explain why you are here.

Mr. Josh Indorf: I want to install a granite pool.

Mr. Prager: What size pool?

Mr. Indorf: I changed it 20' x 40' with stairs & hot tub

Mr. Prager: Whate is the position of the pool?

Mr. Indorf: I need 30' from rear yard.

Mr. Prager: Does anyone on the board have any questions? Is the hot tub imperative on that end?

Mr. Casella: Can it go on the front instead of the rear?

Mr. Della Corte: You own the property behind you?

Mr. Indorf: Yes

Mr. Prager: Is there anyone in the audience with questions?
(No response noted)

Mr. Casella: I make a **motion** to close the public hearing

Mr. Galotti: Second

All - Aye

Mr. Galotti: I make a motion to grant the variance, there are no obstructions, it doesn't cause an undesirable change in the neighborhood, will not cause a detriment change to nearby properties, there are no other feasible methods.

Mr. Prager: The size of it is pretty substantial, 60%

Mr. Casella: Second

Roll Call Vote: Mr. Galotti – Aye

Mr. Casella – Aye

Mr. Johnston – Aye

Mr. Della Corte: Aye

Mr. Prager – Aye

Variance granted

Town of Wappinger
Zoning Board of Appeals
February 28, 2012

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Appeal No. 11-7442

Reed Swenson: 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 on or a State/County Highway**, the applicant is **proposing a front yard setback of 50 feet**, to allow for the construction of new residential housing, **thus requesting a variance of 25 feet**.

The property is located at **New Hackensack Road** and is identified as **Tax Grid No. 6158-02-948876** in the Town of Wappinger.

Mr. Richard Olsen: With law firm McCabe & Mack, I am here for Mr. Swenson the property owner. What we have is a subdivision under review by the Planning Board, it's planned to have a town road, and based upon your code, normally the applicant can select what is the front yard and what is the side yard on a corner road but since it's on a state highway, the front yard shall be facing the state highway. In order to make the homes look the same, facing the town road we have to obtain a variance from that 75' setback.

Mr. Prager: Is it the just the one lot or is it for both lots.

Mr. Olsen – It would be for both lots 1 & 10

Mr. Prager (addressing the board) looking at copies of maps, along with applicant Mr. Swenson, explaining how they want the houses to face.

Mr. Galotti: I do business with Mr. Olsen's firm, but that shouldn't effect any decision that happens tonight.

Mr. Olsen: I have a meeting for Village of Rhinebeck that meets on the night of your next scheduled meeting. Can we set public hearing for last Tuesday of month

(March 27th)

Mr. Prager: Public hearing set for March 27th - there's no markings? – can't do a site visit.

Mr. Olsen: It's still under review with the planning board.

Mr. Casella: Mr. Chairman - If it's still under the review of the planning board, why is he asking for a variance tonight?

Mr. Olsen: Because in order to decide lot count move forward, we need to get that variance, we are going to the maximum amount of lots we can get, because we have to pay for a town road, that going to push us towards the road, unless they tells us we can only have one house that's going to have meet the 75' setback.

Mr. Casella: Suppose they tell you – you can only have eight instead of 10.

Mr. Olsen: Even if we can only have eight, I would have to be out near the road, and I would require a variance. If the board cuts me back – I may be meeting the setback anyway.

Mr. Casella: That's my point, if the board cuts you back, why would you need a variance?

Mr. Olsen: They (Planning Board) sent me here. Because they said if you want to go along with this, you have to go to the Board of Appeals.

Mr. Prager: When the plan (survey) is made out, where do they have it measured out?

Mr. Olsen: We are within the limits, we have the correct lot sizes, it because of that crump lot, the county zoning rules say the county requires 75' – if this were a town road we wouldn't need the variance because we could make it a side yard.

Mr. Casella: I just find it odd that we have to give a variance.....before the planning board

Mr. Olsen: Town law does give confiring jurisdiction, allows you to proceed before both boards.

Mr. Prager: Anything else? All set for the 27th of March.

Appeal No. 12-7454

George Mustakas: 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 10 feet**, to allow a existing shed 12'x20', **thus requesting a variance of 15 feet**.

The property is located at **283 Old Hopewell Rd.** and is identified as **Tax Grid No. 6257-03-090480** in the Town of Wappinger.

Mr. Prager: Set forward and state your name and what you need.

Mr. George Mustakas: When we purchased, we were ill advised and said we need 10', I can't drag the shed out, I'm afraid I'll damage it.

Mr. Prager: What kind of shed is it?

Mr. Mustakas: It's a pre-made shed

Mr. Casella: Is it on a cement slab?

Mr. Mustakas: No – it's on stone w/4x4

Mr. Prager: It's just the side yard setback you looking for?

Mr. Mustakas: Correct

Mr. Prager: Set the public hearing for our next meeting which will be March 13th and a site inspection on March 10 at Saturday and 9:00.

Mr. Galotti: Any dogs?

Mr. Mustakas: No – dog is inside

Mrs. Roberti: How big is the shed?

Mr. Mustakas: It's 20x16 ..20'x12

Mrs. Roberti: It's over 200 sq. ft.

Mr. Della Corte: I not seeing it on this map

Mr. Casella: It's on the plot plan

Motion to Adjourn: Mr. Casella

2nd Mr. Johnston
All - Aye

Meeting ended 8:00PM

Respectfully Submitted

Michelle D. Gale
Secretary – Zoning Board of Appeals