

## MINUTES

**Town of Wappinger  
Zoning Board of Appeals  
October 9, 2012**

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

### Summarized Minutes

Members:

Mr. Prager	Chairman
Mr. Della Corte	Member
Mr. Casella	Member
Mr. Johnston	Member
Mr. Galotti	Member

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Rose	Secretary
Mr. Horan	Attorney

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## SUMMARY

Grace Elder	Variance Granted
Joseph Carino	PH-Scheduled October 23, 2012
Chapel of Sacred Mirrors	PH-Scheduled October 23, 2012

Mr. Prager: I would like to call the Town of Wappinger Zoning Board of Appeals to order. Roll call please.

Mrs. Rose: Howard Prager-----Here  
Tom Dellacorte-----Here  
Al Casella-----Here  
Bob Johnston-----Here  
Peter Galotti-----Here

Mr. Prager: First on the agenda is the acceptance of the minutes from September 25, 2012.

**Mr. Casella:** I make a motion to accept the minutes.

**Mr. Johnston:** I second the motion.

**Mr. Prager:** All in favor?

**Board:** Aye.

Mr. Prager: The first item on the agenda is a Public Hearing on:

**Appeal No. 12-7471**

**Grace Elder**-Seeking an area Variance of Section 240-37 of District Regulations in an R-20 Zoning District.

Where the **code states...in no case shall Accessory Structures be permitted in the front yard** the applicant requests a variance for a pre-existing gazebo.

The property is located **27 Kent Road** and is identified as **Tax Grid No. 6258-03-324082** in the Town of Wappinger.

Mr. Prager: Sue, are all the mailings in order?

Ms. Rose: Yes sir.

Mr. Prager: Can I have a motion to open the public hearing?

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

**Mr. Johnston:** Second.

**Mr. Prager:** All in favor?

**Board:** Aye.

Mr. Prager: Please state your name and address for the record.

Ms. Elder: My name is Grace Elder and I live at 27 Kent Road

Mr. Prager: Please explain why you are here.

Ms. Elder: My husband built a gazebo in the front of our house about 30 years ago. He has since passed away and at that time we did not know that we needed a variance. He put the gazebo where everyone could see it. I have my flower garden around it. We would work on the flower garden and have lunch in the gazebo. I would like to keep it.

Mr. Prager: We all did a site visit and it looks good. It's neat and not out of place. At the last meeting, there was a discussion about some things that needed to be legalized.

Ms. Roberti: Part of the open building permit there were barns and some sheds in the back. The gazebo was the only one that did not meet the set back and needs the variance.

Mr. Prager: Anyone in the audience?

Mr. Prager: Let the record show, there is no one in the audience for or against this appeal.

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

**Mr. Johnston: Second.**

**Mr. Prager: All in favor**

**Board: Aye**

**Mr. Casella: I make a motion to grant the variance. It is not an undesirable change to the neighborhood and it has been there 30 plus years. It is a substantial variance but it has been there over 30 year. It will have no adverse effect on the neighborhood.**

**Mr. Galotti: Second**

**Mr. Prager: Roll call vote.**

<b>Ms. Rose:</b>	<b>Tom DellaCorte</b>	<b>Yes</b>
	<b>Bob Johnston</b>	<b>Yes</b>
	<b>Al Casella</b>	<b>Yes</b>
	<b>Peter Galotti</b>	<b>Yes</b>
	<b>Howard Prager</b>	<b>Yes</b>

**Appeal No. 12-7473**

**Joseph Carino**-Is seeking an area variance of Section 240-37 of District Zoning Regulations in an R20 Zoning District.

-Where a **rear yard setback of 40 feet is required**, the **applicant can only provide 23 feet** for the installation of a 15X24 foot above ground pool and an attached 23' X 30' deck, **thus requesting a 17 foot rear yard setback.**

-Where a side yard setback of 20 feet is required, **the applicant can only provide 10 feet** for the installation of a 15x24 foot above ground pool and a 23'x30' attached deck, **thus**

**requesting a 10 foot side yard setback.**

The property is located at **7 Morgan Court** and is identified as **Tax Grid No. 6258-01-188954.**

- Mr. Prager: Please state your name for the record.
- Mr. Carino: My name is Joseph Carino and I live at 7 Morgan Court. Are you familiar with the area?
- Mr. Prager: Yes.
- Mr. Carino: It is a very odd shaped lot. Mr. Carino reviews maps and pictures with the board.
- Mr. Prager: Pointing to the map. Is there any reason why you cannot move the pool over here?
- Mr. Carino: I would love to but if you look here there is a large rock mound here. (Pointing to the map)
- Mr. Prager: We are going to have a site inspection. If you could, mark out where the pool and the deck is going to go. Does anyone have any questions?
- Mr. Galotti: Does the deck exist?
- Mr. Carino: (Pointing to the map) There is a current deck here and here is the patio.
- Mr. Johnston: Is there a reason the deck has to be so large?
- Mr. Carino: I'm trying to make it look nice.
- Mr. Prager: We will make the site visit October 20<sup>th</sup> and the public hearing October 23<sup>rd</sup>.
- Mr. Prager: Next item on the agenda is:

**Appeal No. 12-7472**

**Chapel of Sacred Mirrors**-Is seeking an area variance of Section 240-37 of District Zoning Regulations in an R 40/80 Zoning District.

-Where a **side yard setback of 40 feet is required**, the **applicant can only provide 14.6 feet** for construction of an addition to the existing carriage house which will be converted to an art gallery, **thus requesting a 25.4 side yard setback.**

The property is the former Deer Hill Conference Center, **(46-70 Deer Hill Road)**, located on Wheeler Hill Road and is identified by **Tax Grid No. 6057-02-834604** in the Town of Wappinger.

Mr. Cappelli: My name is Alfred Cappelli. I am the architect. We have 40 acres on Wheeler Hill Road. (Pointing to a map) Mr. Cappelli explains the buildings on the property and the entrance onto the property. Mr. Cappelli explains that the carriage house is close to the property line. The carriage house will be converted into an art gallery. (Pointing to a map) Mr. Cappelli explains the floor plans for the new art gallery. The addition will include emergency stairs, elevator, and a lobby. We have been before the Planning Board and the public hearing was closed. We are here before you seeking a side yard variance.

Mr. Casella: How big is the carriage house?

Mr. Cappelli: It is about 47 x 60. Mr. Cappelli shows the board pictures of the existing carriage house.

Mr. Casella: Is it two stories?

Mr. Cappelli: Yes.

Mr. Prager: I see that you are not going past the original boundary of the building.

Mr. Cappelli: It was used as a recreation center on the second floor in the loaf area, there was also a music room. On the first floor there was a meeting area. Since we are changing the use of the building, we are here before you. Mr. Cappelli (Pointing to a photo) explains the court yard and retaining wall to the board.

Mr. Prager: We will have a site visit on Oct 20<sup>th</sup> and the public hearing on Oct 23<sup>rd</sup>

**Mr. Prager: Can I have a motion to go into executive session?**

**Mr. Casella: I make a motion to go into executive session.**

**Mr. Johnston: Second.**

**Mr. Prager: I make a motion to come out of executive session.**

**Mr. Galotti: Second.**

**Mr. Prager: All in favor:**

**Board: Aye.**

**Mr. Prager: Can I have a motion to adjourn the meeting.**

**Mr. Galotti:**           **I make a motion to adjourn the meeting.**

**Mr. Johnston:**       **Second.**

**Mr. Prager:**         **All in favor.**

**Board:**              **Aye.**

Respectfully Submitted,

Sue Rose, Secretary  
Zoning Board of Appeals