

**Town of Wappinger  
Zoning Board of Appeals  
January 10, 2012**

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

**Summarized Minutes**

<b><u>Members:</u></b>	Mr. Prager	Chairman
	Mr. Dellacorte	Member
	Mr. Casella	Member
	Mr. Johnston	Member
	Mr. Galotti	Member

<b><u>Others Present:</u></b>	Mrs. Roberti	Zoning Administrator
	Mrs. Gale	Secretary

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**SUMMARY**

<b><u>John Marcheson:</u></b>	- Public Hearing closed. Decision.
<b><u>Ann Costigan:</u></b>	- Public Hearing closed. Decision.
<b><u>Robert &amp; Lisa Lewandowski</u></b>	-Discussion – PH set Jan. 24, 2012

## **Public Hearings:**

**Appeal No. 11-7450** - At the request of **John Marcheson** who is 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.

**PRESENT: Owner** – John Marcheson

Mr. Prager: Are all mailings in order?

Ms. Gale: They are

Mr. Prager: Motion to Open Public Hearing

**Motion:** Mr. Casella

Second: Mr. Johnston

All in Favor: Aye

Mr. Prager: If you would explain what you need again for new members.

Mr. Marcheson: Explained the need for the variance.

Mr. Prager: We were out there for a site inspection. Mr. Dellacorte did you make it?

Mr. Dellacorte: Yes

Mr. Prager: Opened up the floor to the audience – No one in the audience responded.  
Make a motion to closed the Public Hearing.

**Motion:** Mr. Casella

Second: Mr. Johnston

All in favor: Aye

Mr. Prager: Motion to grant or deny this variance

Mr. Casella: Motioned to grant the variance: It's not undesirable change to the neighborhood, it actually is going to make in look nice in the front, it's not detriment to nearby properties, there is no feasible way to put the porch or deck, especially in the front, the variance is kind of substantially, but I think it's required to in order to get the two decks the gentleman would like to do, and there is no adverse effects to the environment – I make a motion to grant the variance

Mr. Johnston: Second

**Roll Call Vote: Mr. Dellacort – Yes**  
**Mr. Johnston – Yes**  
**Mr. Galotti – Abstain**  
**Mr. Casella – Yes**  
**Mr. Prager – Yes**

**Appeal No. 11-7451** - At the request of **Ann Costigan** who is 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: Owner** Ann Costigan

Mr. Prager: Are the mailings in order

Ms. Gale: Yes they are

Mr. Prager: Motion to open Public Hearing?

Mr. Casella: I motion to open the public hearing

Mr. Johnston: Second

Mrs. Costigan: Explained need for variance

Mr. Prager: The three of us were there Saturday morning. Tom did you get out there?

Mr. Dellacorte: Yes

Mr. Prager: There is one thing we did have a question on, in you plot plan drawing it's not quite drawn the way you actually want it.

Mr. Casella: The way it's outlined in yellow is different from the way it is shown on your plot plan.

Mr. Prager: Could you please show us the way you want it? (Mr. Prager brought the drawing to the applicant and asked her to show the Board) to make sure they understood it properly. It is exactly the way it was diagramed on the ground. It will not be coming out any further than the building. The question I have now – is this actually for a rear yard setback or a side yard setback? (Mrs. Roberti – explained the direction of the property.)  
Whoever marked it out did a very good job.

Mr. Prager: Anyone on the board have any questions (None)  
Anyone in the audience have any questions for or against this variance  
(Record shows – no one in audience had any questions or concerns)

Motion to close the Public Hearing?

Mr. Casella: Motioned to close the Public hearing

Mr. Johnston: Second

All – Aye

Mr. Prager: Motion to grant either grant or deny this variance? -

Mr. Casella: Motioned to grant the variance – The Board of Appeals will also consider if the benefit can be achieved by any other means feasible to the applicant - No

Is there an undesirable change to the neighborhood character or nearby properties – No

Is the request substantial – Yes

Whether the request will have adverse environmental or physical effects – No

Is the alleged difficulty self created – Yes – but I recommend that we grant the variance

Mr. Johnston: Second

**Roll Call Vote: Mr. Dellacort – Yes**  
**Mr. Johnston – Yes**  
**Mr. Galotti – Abstain**  
**Mr. Casella – Yes**  
**Mr. Prager – Yes**

**Discussion:**

**Appeal No. 11-7453:**

**Robert & Lisa Lewandowski:** 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 19 feet**, to allow an above ground pool with a 20' X 22' deck in the rear yard, **thus requesting a variance of 31 feet**.

The property is located at **112 Brannon Place** and is identified as **Tax Grid No. 6256-01-473886** in the Town of Wappinger.

Present: Owners - Robert & Lisa Lewandowski

Mr. Prager: Explained discussion process.  
Please state your name for the record.

Mr. Robert Lewandowski

Mr. Prager: Why don't you go ahead and explain what you need here. Looks like a pool & a deck. Is the pool in now?

Mr. Lewandowski: Yes

Mr. Prager to Mrs. Roberti: It's for the pool and deck.

Mrs. Roberti: It's for the deck - the pool is fine - 15' - just the deck. (Note change to legal notice to take out the pool reference).

Mr. Prager: It's just the rear, the side is ok?

Mrs. Roberti: Yes, the side is ok - just the rear.

Mr. Prager: Is there a reason you are putting it back that far?

Mr. Lewandowski: We have a carport, with the children back there, the angle of house, and the septic is in back and with the carport at the side of the house, we wouldn't be able to see the children, and that's our main concern. If we went a little further past the carport, we're in the front of the house.

**Appeal No. 11-7453:**  
**Robert & Lisa Lewandowski:**

Mr. Prager: I have your survey (Mr. Lewandowski - showing Mr. Prager and the board members, on his survey, where the deck and pool would be. Woods here, shed, house).

Mr. Prager: We'll set up a site inspection – January 21<sup>st</sup> at 10AM. Take a look at it. Mark about where your property line is.

Mr. Lewandowski: It is already marked.

Mr. Prager: Any other business to come before us in this meeting?  
(No)

Public Hearing set for January 24<sup>th</sup>, 2012

**Motion to Adjourn:** Mr. Casella  
Second: Mr. Johnston  
All: Aye

Meeting ended: 7:45

Respectfully Submitted,

Michelle D. Gale, Secretary  
Zoning Board of Appeals