

Town of Wappinger  
Zoning Board of Appeals  
January 24, 2012

Town Hall  
20 Middlebush Road  
Wappinger Falls, NY

**DRAFT MINUTES**

**Members Present:**

Mr. Casella	Mr. Dellacorte Member	Member
	Mr. Johnston	Member
	Mr. Galotti	Member

**Absent:**

Mr. Prager	Chairman
Mrs. Roberti	Zoning Administrator

**Others Present:**

Mrs. Gale	Secretary
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**SUMMARY**

Mr. & Mrs. Robert Lewandowski - Variance Granted w/conditions

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January 24, 2012

Minutes

Members

Present: Al Casella  
Tom Della Corte  
Bob Johnston  
Peter Galotti

Absent: Howard Prager

Also Present:

Michelle Gale – Secretary  
Barbara Roberti – Zoning Administrator

Approval of Minutes for 1-10-12

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. 11-7453**

**Mr. & Mrs. Robert Lewandowski** – seeking a variance of Section 240-37 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 a 20'x22' deck attached to an above ground pool 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.

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Mr. Casella: Mr. & Mrs. Lewandowski please come up and explain why you are here.

Mr. & Mrs. Lewandowski: We are here for a 20'x22' deck attached to the pool, that doesn't meet the setback, it supposed to be 50' from the rear line, we can only provide 19' so we're are looking for a variance of 31' for the deck.

Mr. Casella: Was everyone able to go out and look at the site?

(All responded yes)

Mr. Casella: Does anyone have any questions?

Mr. Thomas O'Connor – Neighbor : I want to know what the stipulation of the rules are – is it because of the size of the deck if the deck were smaller would it need only 25'? in the confines of the law.

Mr. Della Corte: Where it is close to your property... It's actually the location of the deck itself the deck is too close to the property line. The deck is already there, needs variance to make it legal.

Mr. O'Connor: Does it have nothing to do with the size, if it was smaller it would need to be 10' under 200 square foot you can put within 10' feet of line.

Mr. Lewandowski: I was thought if the deck were smaller, it would be in accordance of the setback.

Mr. Galotti: Even if the deck were smaller, it would need a variance because it's the location of the deck because of the distance, from the property line.

Mr. Della Corte: It's because ...where it's placed, if the deck was facing your house, it would not need a variance at this point.

Mr. & Mrs. Lewandowski: We thought if the pool only needed 10' it would be the same for the deck (Discussion on what setbacks were required based on size & location of deck)

(Board explaining other possibilities for deck that would not need a variance).

Mr. O'Connor: Can he put trees as a buffer zone – he said the deck was going to be there. Try to be compromising, the deck is not supposed to be there. Now if I go to sell my house....now you're telling me it not the size.

Mr. Della Corte: Is it a matter of ascetics?

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Mr. Casella: Just to let you know, we could grant the variance without your approval, we could also put a condition that you plant trees back you too iron this out, we're going to make a decision.

Mr. O'Connor: Put the trees, and I'm ok with that.

Mr. Della Corte: Your concerns are privacy, to address the privacy put in trees or some sort of decorative .... would that address your concerns?

Mr. O'Connor: That would definitely alleviate that – he'll put in 5 trees and I'll put in 5 trees like to have some privacy.

Mr. Della Corte: We'll ask Mr. Lewdanowski to put up to 5 white pines trees towards the property line.

Motion to close the Public Hearing;

Mr. Della Corte – I need a motion to close the public hearing

**Mr. Casella – Motioned to close the public hearing**

Mr. Johnston – Second

All - Aye

Mr. Della Corte: Can I have a motion to grant or deny the variance?

Mr. Casella: I make a motion to grant the variance

This is not going to cause an undesirable change to the neighborhood, Mr. Lewandowski agreed to put in trees.

There is no other feasible methods because of the septic system there, pool is there.

The variance is substantial and is self-created, the deck is already up.

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**Mr. Casella: Motion to grant** with the stipulation you plant up to 5 trees

Mr. Johnston – Second

All – Aye

**Motion to adjourn: Mr. Casella**

Mr. Johnston – Second

All – Aye

Meeting ended 7:55PM

Respectfully Submitted

Michelle D. Gale  
Secretary – Zoning Board of Appeals