

Town of Wappinger
Zoning Board of Appeals
March 13, 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:

Mr. A. Roberts	Town Attorney
Mrs. Roberti	Zoning Administrator
Mrs. Gale	Secretary

SUMMARY

Mr. G. Mustakas	- Variance Granted
Mr. & Mrs. W. Neave	- Public Hearing Set 3-27-12
NYCDEP	- Public Hearing Set 3-27-12

Town of Wappinger
Zoning Board of Appeals
March 13, 2012

Draft Minutes

Members

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

Also Present:

Al Roberts – Town Attorney
Michelle Gale – Secretary
Barbara Roberti – Zoning Administrator

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: Are all the mailings in?

Mrs. Gale: Yes

Motion to Open Public Hearing: Mr. Johnston
2nd Mr. Casella
All –Aye

Mr. Prager: State your name for the record.

Mr. George Mustakas

Mr. Prager: Explain for us the reason for your variance request.

Mr. Mustakas: I was ill advised and was told where I can put it – I placed it 10' from side.

Mr. Prager: We did our site inspection and did see where it is – and the contour of your property.

Any questions from the board? None

Any questions from the audience? None

Motion to close the public hearing Mr. Casella
2nd Mr. Johnston

Motion to grant or deny this variance:

Mr. Della Corte: I motion to grant – can be achieved by other means of the applicant, however will not cause an undesirable change to the neighborhood. The request is considered substantial will not have undesirable effects and the alleged difficulty is self created however there is no other place to put it.

Mr. Prager: Roll Call Vote

Mr. Casella – Aye

Mr. Galotti – Aye

Mr. Johnston – Aye

Mr. Della Corte – Aye

Mr. Prager – Aye

Variance granted

Discussion:

Appeal No. 12-7457

William & Kathleen Neave: Seeking a variance of Section 240-37 of District Zoning Regulations R-40.

- Where **a rear yard setback of 50 feet is required**, the applicant is **proposing a rear yard setback of 30 feet**, to all an in-ground pool 45'x25'x5', **thus requesting a variance of 20 feet.**

The property is located at **8 Glenbrook Ct.** and is identified as **Tax Grid No. 6258-01-415945** in the Town of Wappinger.

Mr. Prager: State your name

Dave Citalloi

Mr. Prager: Explained the variance process.

Mr. Citalloi: What we're proposing an in ground pool it's within 50' of the property line, it's the only place we can install it.

Mr. Prager: (request Mr. Citalloi approach) discussion showing where exactly where it is. Pointing out the absorbance field, Mr. Prager noted – do not want to go over the absorbance field.

Mr. Galotti: It says "new absorbance field" - the department of health approves (explained approval of field by BOH).

Mrs. Roberti: Scott Neave came in today and spoke to Bob Gray the town engineer– he's going to the Health Dept. and look to move that to another part of the property.

Mr. Prager: When will he get that? – does he say?

Mrs. Roberti: I don't know how long that will take – but if he can't get that the pool can't go through.

Mr. Prager: It will be depending on that approval

Mrs. Roberti: As a condition.

Mr. Casella & Mr. Prager: You'll have to have that before the public hearing.

Mr. Prager: Mr. Citalloi are you the designer of the pool?

Mr. Citalloi: Yes designer for Mr. Neave

Mr. Prager: What is the exact size of this pool?

Mr. Citalloi: 45' x 25' with catch basin, I was unclear if I should include catch basin, vanishing edge, the pool itself is 36' X 18'

Mr. Prager: Set site inspection for March 24th and the public hearing for March 27th, if you could also mark out the property line.

Mr. Roberts: You should point out the nearest neighbor to the property.

Mr. Citalloi: It's 56 acres.

Mr. Prager: You have to do your mailings?

Mrs. Roberti: We'll have that for you tomorrow – could you stop in and pick it up around 11AM

Appeal No. 12-7456

NYCDEP Shaft 6 – Seeking six (6) variances of Section 240-27 & 240-37 of District Zoning Regulations R-80 Zoning.

1. Where one (1) construction trailer is allowed, the applicant is proposing up to ten (10) construction trailers to allow the NYCDEP requirement of multiple contractors on publicly-bid projects. Each contractor to provide its own construction trailer to be used as an office, thus requesting a variance of nine (9) temporary trailers.
2. Where one (1) storage container is allowed, the applicant is proposing up to forty-five (45) storage containers for sound mitigation, thus requesting a variance of forty-four (44) temporary storage containers.
3. Where no greater than 1,200 sq. ft. is allowed for a trailer, the applicant is proposing (Unknown at this time), thus requesting a variance of (Unknown at this time).

4. Where a side yard setback of 80 feet is required for storage containers from the property line, the applicant is proposing a side yard setback of 40', to allow placement of double-stacked empty storage containers as a noise barrier along one (1) property line, thus requesting a temporary variance of 40'.
5. Where two (2) square feet is allowed for signage in a residential neighborhood, the applicant is proposing thirty-two (32) square feet, to allow one (1) 4-foot by 8-foot site identification sign at the entrance to its property, thus requesting a variance of for signage of thirty (30) square feet.
6. Where ten (10) percent maximum lot coverage is allowed, the applicant can provide thirteen and four-tenth (13.4) percent) lot coverage on the site upon completion of the project, thus requesting a variance of three (3) and four-tenths (.4) percent additional lot coverage.

The property is located at 195-209 River Road and is identified as Tax Grid No. 6056-01-288977 in the Town of Wappinger.

Mr. Prager: Could you please come up and state your name for the record.

Mr. Phil Simmons – NYCDEP – Permit Division (Showed a short presentation of the Shaft 6 Project) Introduced other members of NYCDEP.

Mr. Ted Downey – NYCDEP – Explained the need for variances.

Mr. Simmons:

(Explained how the tunnel provides water to NYC – leaking – nature of leaks – fix leaks, build by-pass – make connection at last moment. Between 6-15 mos. to make connection – where they would get water to supply NYC during the process of shut-down).

After several discussions Mr. Prager – Asked if there were any other questions. - NO

Mr. Prager set the Public Hearing for March 27, 2012. A site visit was scheduled for Saturday, March 31, 2012.

The Zoning Board of Appeals went into Executive Session for legal purposes - 8:30pm

Mr. Galotti – Motioned to out of Executive Session

Motion to Adjourn – Mr. Galotti

Mr. Johnston

Meeting ended 9:00PM

Respectfully Submitted

Michelle D. Gale
Secretary – Zoning Board of Appeals