

Town of Wappinger
Zoning Board of Appeals
March 27, 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

Absent: Mr. Prager Chairman

Others Present:

Mr. J. Horan	Town Attorney
Mrs. Roberti	Zoning Administrator
Mrs. Gale	Secretary

SUMMARY

R. Swenson	- Adjourned Public Hearing – April 10, 2012
Mr. & Mrs. W. Neave	- Public Hearing Set – April 10, 2012
Mr. D. DiStasio	- Public Hearing Set – April 10, 2012
NYCDEP	- Public Hearing – April 10, 2012

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Mr. Johnston	Member
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Absent: Mr. Prager Chairman

Others Present:

Mr. J. Horan	Town Attorney
Mrs. Roberti	Zoning Administrator
Mrs. Gale	Secretary
Mrs. Rose	Secretary

Motion to Open Public Hearing
Motion - Mr. Casella
Second – Mr. Johnston

PUBLIC HEARING:

Appeal No. 11-7442 - At the request of Reed Swenson who is 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 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. R. Olsen – from the Law Firm of McCabe and Mack
I've provided the notices of public hearing

Mr. Olsen – Described the property – 10 lot subdivision – fronts requires 75' setback
Make front lots large or requesting variance. Have here the Quiet Acres subdivision
similar subdivision proposed to have a town road. (addressed Mr. Casella's concern of
decreasing number of lots, addressed drainage on lots).

Mr. Dellacorte: This is adjacent to Daisy Lane.

Mr. Olsen & Mrs. Roberti – discussed the Quite Acres subdivision – pointing out it's going to be a similar neighborhood.

Mr. Dellacorte: Anybody in the audience have any questions?

Laurie Morse - 6 Daisy Lane, there are others here also – we're curious has the subdivision been approved yet?

Mr. Olsen – explained need for variance – we still have to go before the Planning Board, deal with drainage pond issue.

Mr. Horan – If the variance were not granted, how would that affect the houses on those lots?

Mr. Olsen – First of all, it would create a much larger lot on the front because we have a 75 foot setback, we have to face the houses toward New Hackensack Road which would be out of character with the balance homes or maintain them facing in we have to have a larger lot to maintain that 75' setback. We conform with all zoning provisions, it's because we're on a county road – you require 75' setbacks.

Mr. Dellacorte – Any other questions?

I need a motion to close the public hearing :

Mr. Casella motioned

Mr. Johnston – second

To adjourn the public hearing to April 10th – to have a full board here for a decision.

Motion to adjourn:

Mr. Casella

Second – Mr. Galotti

All - Aye

Appeal No. 12-7457 - At the request of **William & Kathleen Neave** who is 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.

Motion to open the public hearing

Mr. Galotti – Motioned

Mr. Johnston – Second

Mr. Dellacorte: Please state your name

Dave Citolli : We're looking to install an in ground pool – we need 50', we have 30'
We need a variance – only practical place to build it.

Mr. Dellacorte: We all went out and looked at it

Mr. Johnston: Questioned size of pool.

Mr. Citolli: Gave the dimensions of the pool, patio and catch basin.

Mr. Dellacorte: Any questions from the board?

Mrs. Roberti: You've gone to the Health Department.

Mr. Citolli: Yes, we have an engineer working us to relocate the expansion.

Mrs. Roberti: How far are you to the spot?

Mr. Citolli: It's about 30'

Mrs. Roberti: Stated permit cannot be issued until we have Board of Health approval.

Mr. Dellacorte: We'll be deciding the variance tonight

(questions continued from board – regarding decision from Board of Health)

Looking at map discussions between members and applicant

Mr. Dellacorte: Any questions from the audience?

Mr. Horan: Do we have legal notices in the record
(Yes)

Mr. Dellacorte: Can I have a motion to close the public hearing

Mr. Galotti – motioned

Mr. Johnston – second

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

Mr. Casella: I vote to grant the variance – there are no undesirable changes in the neighborhood, The variance is substantial, but there are no other feasible methods available. The variance will not have a adverse effect in the neighborhood, and the need for a variance is self-created.

Also, want to stipulate a building permit not be issued until there is Board of Health approval for the relocation of the expansion of the septic fields.

Mr. Johnston – Second

Roll call Vote: Mr. Casella – Aye

Mr. Galotti – Aye

Mr. Johnston – Aye

Mr. Dellacorte – Aye

Variance Granted

Discussion:

Appeal No. 12-7458:

Dante M. DiStasio Seeking a variance of Section 240-37 of District Zoning Regulations for R-40 Zoning District.

-Where **a rear yard setback of 25 feet is required**, the applicant is **proposing a rear yard setback of 23 feet**, to allow the construction of a deck 24' x 12' in rear, **thus requesting a variance of 2 feet**.

The property is located at **68 Fieldstone Loop** and is identified as **Tax Grid No. 6257-06-325778** in the Town of Wappinger.

Mr. Dante DiStasio: I have a deck built in 1985, applied permit and was told I couldn't build as 12' as I wanted. It didn't work – I need room for my grill, table no room for people – deck has to be replaced.

Mr. Dellacorte: Any questions?

Mr. Casella: So you want to double the size?

(Members discussed which dimensions would change)

Mr. Dellacorte: Set a site inspection for April 7, 2012 at 10AM

and asked Mr. DiStasio to chalk the property line and outline where the deck would be

Mr. Dellacorte: Set public hearing for April 10, 2012.

Public Hearing:

Appeal No. 12-7456

NYCDEP Shaft 6 – Seeking six (6) variances of Section 240-27 & 240-37 of District Zoning Regulations R-80 Zoning. The property is located at **195-209 River Road** and is identified as **Tax Grid No. 6056-01-288977** in the Town of Wappinger.(Canale)

1. Where **one (1) construction trailer is allowed**, the applicant is **proposing up to ten (10) temporary 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 **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'**.
4. 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**.
5. 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**.

Mr. Phil Simmoms – NYCDEP Bureau of Engineering Design & Construction permits division withdraw our variance #3 on the basis if we consider modular office building not being construction trailers we don't believe they are under the town code – we will not have any construction trailers. (Clarify under referenced letter – explain the balance of construction trailers)...may be field trailers – smaller trailers based on contractors that show up.

Mr. Dellacorte: Read from letter – asking variance to be withdrawn. Asked Mrs. Roberti, if We know Mr. Simmons doesn't need a variance at this time?

Mrs. Roberti: Stated “not for this – he'll have to bring up at the planning board” – was up to 1,200 sq. ft. – not being required.

Mr. Dellacorte: Directed the members to strike #3 request.

Mr. Horan- addressing Mrs. Roberti - With respect of lot coverage – is this go be after construction is completed.

Mrs. Roberti: Yes

Mr. Galotti: Questioned lot coverage – paved road..

Mr. Graham Hulstrad – Planning Consultant for DEP Yes – described the parking area and driveway and buildings.

Mr. Dellacorte: All items – except #3 will be taken care of by the planning board.

Mr. Simmons: That's our understanding as well – continue with our site plan approval process

Mr. Dellacorte: Anybody in the audience have any questions – (no response) –set a site visit

Mrs. Gale: Notes say March 31st did not set time

Mr. Dellacorte: Have someone meet us out there at 9AM

Public Hearing set for April 10, 2012

Motion to close – Mr. Galotti

Second – Mr. Johnston

Meeting ended at 8:10PM

Respectfully Submitted

Michelle D. Gale
Secretary – Zoning Board of Appeals