



Mr. Prager: First on the agenda is the acceptance of the minutes from April 26<sup>th</sup> and May 8<sup>th</sup>. Do I have a motion to accept these minutes?

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

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

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

**Board: Aye.**

**Public Hearing:**

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

Appeal No. 12-7462- Jennifer Natkiel is seeking a variance of Section 240-37 of District Zoning Regulations for R-40/80 Zoning District.

-Where a side yard setback of 40 feet is required, the applicant is proposing a side yard setback of 5.6 feet, to allow for the construction of a 12' x 36' deck in rear yard with a 3' x 4' small deck addition to the existing side porch, thus requesting a variance of 34.4 feet inches. The property is located at 9 Hamilton Road and is identified as Tax Grid No. 6057-02-989893 in the Town of Wappinger.

Mr. Prager: Sue are all the mailing in order?

Mrs. 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: I second it.**

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

**Board: Aye**

Mr. Prager: For the record, please state your name and what you are looking for.

Mr. Natkiel: My name is Rex Natkiel and I am here to apply for a variance for a deck.

Mr. Prager: Let the record show that we did do a site visit.

- Mr. Prager: Does anyone on the board have any questions?
- Mr. Prager: Let the record show there is no one in the audience for or against.
- Mr. Prager: I would like to ask for a motion to close the public hearing.
- Mr. Johnston: I make a motion to close the public hearing.**
- Mr. Casella: I second the motion.**
- Mr. Prager: All in favor.**
- Board: Aye.**
- Mr. Prager: Can I have a motion to grant or deny this variance.
- Mr. Johnston: I make a motion to grant this variance. Mr. Johnston continues to explain how this will not have an impact.**
- Mr. Casella: I second that.**
- Mr. Prager: Can I have a roll call vote?**
- Mr. Della Corte: Absent.**
- Mr. Johnston: Yes.**
- Mr. Galotti: Yes.**
- Mr. Casella: Yes.**
- Mr. Prager: Yes.**
- Mr. Prager: The variance has been granted and will be filed in five days.
- Mr. Prager: The next item on tonight's agenda is public hearing for Maurice & Patricia Roche.

**Appeal No. 12-7463- Maurice Roche and Patricia Roche** is seeking a variance of Section 240-37 of District Zoning Regulation for R-20 Zoning District  
-Where **the side yard setback of 20 feet is required**, the applicant is proposing a side yard setback of 14.9 feet, to allow the construction of an 18 X 18 deck in the side yard, thus requesting a variance of 5.1 feet.  
The property is located at **25 Dara Lane** and is identified as **Tax Grid No. 6257-01-054756 in the Town of Wappinger.**

Mr. Prager: Sue are all the mailing in order?

Mrs. Rose: Yes sir.

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

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

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

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

**Board: Aye.**

Mr. Prager: For the record, please state your name.

Mr. Roche: Maurice Roche

Mr. Prager: Please explain what you would like.

Mr. Roche: I would like to put on a 18 x18 deck on my house and I need a variance.

Mr. Prager: We did do a site visit and it was very clearly marked.

Mr. Prager: Does anyone else have any questions?

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

Mr. Prager: Do I have a motion to close the public hearing

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

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

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

**Board: Aye**

Mr. Prager: Do I have a motion to grant or deny this variance?

**Mr. Casella: I make a motion to grant the variance. Mr. Casella continues the reasons why this will not be an impact.**

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

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

**Mr. Della Corte:** **Absent.**

**Mr. Johnston:** **Yes**

**Mr. Galotti:** **Yes**

**Mr. Casella:** **Yes**

**Mr. Prager:** **Yes**

Mr. Prager: The variance has been granted and will be filed in 5 days.

Mrs. Roberti: I would like to speak to you about Reed Swenson. They were at the planning board meeting last night. Their original engineers closed their doors and didn't notify any of their clients and when Mr. Swenson went up to pay them he couldn't get maps or plans or anything. Mr. Swenson then had to look for new engineers for his subdivision. He now has Mr. Olsen as his attorney and just hired Berger Engineering. They have fallen on their sword a few times with Daisy Lane to you guys and the planning board. He wanted to know why those houses were aloud to be so close. I went looking and got a copy of their subdivision. It was done in 1962 which pre dates zoning so it's a mood point and I'll bring it up to the planning board. They can't keep bringing that up. The planning board thought they may lose lots anyway because their storm water pond is on the adjoining lot that Mr. Swenson own but is in an H/O zone which is in a commercial zone. It came down that they didn't want to give them a recommendation because they don't know if they are going to give them those two lots away. If they lose the two lots, they will have the extra 25 feet. They did a roll call vote and it went down 5 to 2. So you are not getting anything from them. I just wanted to make you aware of this because they are on the agenda for June 26<sup>th</sup>.

Mr. Casella: What does he have for us that suggests to us to approve his 10 parcel lot?

Mrs. Roberti: He's looking for something because just 500 feet away they are 30 feet off the road but if you go down New Hackensack further there are homes there from 1930 that are close to the road. I don't think they know how old that subdivision is. They are using that thinking the town gave them a subdivision that close why not me. I will be faxing them this information so they will know they don't have this as an argument.

Mr. Casella: So other than that, what do they have?

- Mrs. Roberti: They don't have anything but honestly people come for variances with certain setbacks and hoping that at some point they will be able to keep the basin in the other lot. If that's the case they would like to get the whole 10 lots. Mr. Swenson was here last night and said all he wants to do is keep his farm going.
- Mr. Galotti: Before he sees us, will he know if he needs to reconfigure the storm basin?
- Mrs. Roberti: No because this engineering firm just got going. The only thing you might be able to hang your hat on and I will look into this and report back to you the first meeting in June. If the planning board hasn't concluded SEQRA you can't give your decision. They can come on June 26<sup>th</sup> and they can throw their best pitch and you can say thank you we will take this under advisement and the town will get back to you after SEQRA is concluded at the planning board.
- Mr. Prager: This is still under discussion not a public hearing?
- Mrs. Rose: This is a discussion.
- Mrs. Roberti: The planning board has not had a public hearing either so they're nowhere. They don't even have preliminary approval.
- Mr. Prager: Even if we approved it, SEQRA is done, and they go ahead and say they can't use those lots. Then it's null and void even if we gave them the approval.
- Mrs. Roberti: If they lost two lots in the back for the pond they would probably get the 25 feet to move both houses with or without the variance.
- Mr. Casella: So why won't we have the decision on the pond first before we make the decision.
- Mrs. Roberti: You're going to pretty much have to because of SEQRA.
- Mr. Casella: So why bother coming forth on the 26<sup>th</sup> unless they have to.
- Mrs. Roberti: I think they wanted to know if they got those lots set maybe they could do something and only loose one lot in the back because they already gained those 50 feet between the two lots in the front. The other thing that came up, the gentleman from Berger, he read the code differently. The way the code reads, if you're on a corner, you have two fronts so you have to meet the setbacks. In this case it's not two town roads; it's a town road and a county road. The county has a much bigger setbacks so we differ to

that. He's trying to say last night we were always able to choose our back yard and I really didn't know where he was going with this except that if it was your home and you wanted to put a pool in sometime your side yard say has 80 feet and the back yard only has 40 feet as long as you don't have a structure other than your house the way zoning has been here we allowed you to pick your back yard one time. It makes sense you don't need a variance to pick for the pool or the shed. The side is your rear and your rear is your side and this follows through your property forever more if you go to put up a deck or shed.

Mr. Casella: Does this apply to all the properties?

Mrs. Roberti: Only corner lots because corner lots don't have two sides and a rear and a front, they have two fronts, one side and a rear.

Mr. Johnston: The planning board made no recommendations.

Mrs. Roberti: There was a motion by Ms. Visconti.

Mr. Casella: Didn't we ask them to make a ruling?

Mr. Prager: They're really holding it up.

Mrs. Roberti: You sent a letter.

Mr. Casella: We asked for a ruling for why they sent it to us.

Mrs. Roberti: They didn't send it to you they came on their own. Anyone is entitled to come before you and ask for a relief of the code. He needs to have a public hearing. You're not even close to rendering a decision. Now that SEQRA is involved you can't render a decision.

Mr. Casella: So it will be another discussion again.

Mr. Prager: Yes.

Mrs. Roberti: If the lawyer pushes it, you could have a public hearing and get that all out of the way but you can't render a decision.

Mr. Casella: We can have a discussion but they can't ask for that night a decision.

Mrs. Roberti: You can't because you haven't had a public hearing.

Mr. Casella: So we'll listen to them again.

Mrs. Roberti: I'll make sure that I have it all written out for you as far as SEQRA so if

they get you to agree and you don't realize it. It just happened last night so I wanted to make you aware of everything going on.

Mr. Prager: We haven't heard from the gentleman on 9D?

Mrs. Rose: I spoke to him on Monday to remind him that he would not be on the agenda because the time line was not received.

Mr. Prager: We shouldn't have put him on the agenda because we wanted time to review.

Mrs. Rose: I called him on Thursday and he said I'll be in tomorrow. Monday came around I still had nothing. I spoke to Barbara and called Jim Horan for his advice. He said take him off of the agenda. I called Mr. Crawford back and explained why he was taken off the agenda. I explained to Mr. Crawford that he was being rescheduled for June 26<sup>th</sup> and we needed that time line so the board can review it. I explained that the time line needed to be submitted no later than June 4<sup>th</sup>. I also explained his non compliance is not setting well with the board or the courts.

Mr. Prager: That is the other thing, now that's he's here nothing happens in the courts.

Mrs. Roberti: That is what is exactly happening.

Mr. Johnston: How long can he prolong this?

Mrs. Roberti: We talked about it and Jim was going to look into it. He may be better off going for an interpretation then he would have to put in a different application but it would be nice if he came forth with something. He has a court date on June 12<sup>th</sup> and I going to talk to the attorney to tell him he has 30 or 60 days to get in here to get something moving and shaking or he is going to trail.

Mr. Prager: I think we have to do something. Anything else coming up.

Mrs. Roberti: I have a lot of people I denied.

Mr. Casella: Does 228 Myers have to come to us again? I know they're moving there driveway.

Mrs. Roberti: They're lining up their driveway with DeGarmo just in case there is a light in their future.

Mr. Prager: That's a dangerous driveway.

May 22, 2012

Mrs. Roberti: There are no variances for that but there might be for the sign. The sign they were going to leave because it was preexisting and nonconforming but now they had to move it for the driveway. The other thing is they have to give an easement for cross access possibly with Pete's because if something happens down the road. We are starting to do that. With the Mobil Mini Mart down here on Route 9 and Myers, we are having them file a cross access easement which would take it to the Hannaford Plaza so if they ever wanted to meet that easement then the gas station could have an entrance into the back of the parking lot for flow. We are trying to do this on certain projects.

Mrs. Rose: Do you do the site visit for Dara Lane.

Mr. Prager: Yes, but I don't know about Tom.

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

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

**Mr. Johnston: I second.**

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

**Board: Aye.**

Respectfully Submitted,

Sue Rose, Secretary  
Zoning Board of Appeals

