

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
March 12, 2013**

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

**Summarized Minutes**

**Members:**

Mr. Prager	Chairman
Mr. Della Corte	Member - Absent
Mr. Casella	Member
Mr. Johnston	Member
Mr. Galotti	Member

**Others Present:**

Ms. Sue Rose	Secretary
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**SUMMARY**

Mousa Nesheiwat

Variance Granted

Mark Hopkins

Public Hearing –March 26th

Joe Carino

Public Hearing—March 26<sup>th</sup>

Mr. Prager: I would like to call the Town of Wappinger Zoning Board of Appeals to order. Roll call please

Mrs. Rose: Howard Prager-----Here  
Tom Dellacorte-----Absent  
Al Casella-----Here  
Bob Johnston-----Here  
Peter Galotti-----Here

Mr. Prager: The first item on tonight's agenda is a Public Hearing:

**Appeal No. 13-7483**

**Mousa Nesheiwat**-Is seeking an area variance of Section 240-3 of Zoning Regulations in an R-40 Zoning District.

-Where **50 feet to the front yard** is required for the construction of a house on an existing non-conforming footprint, the applicant can only provide **32.3 feet**, thus requesting a **17.7 foot front yard variance**.

-Where **50 feet to the rear yard** is required for the construction of a house on an existing non-conforming footprint, the applicant can only provide **18.1 feet**, thus requesting a **31.9 foot variance**.

The property is located at **94 Robinson Lane** and is identified by Tax Grid No. **6459-03-070409**.

Mr. Prager: Sue, are all the mailings in order?

Ms. Rose: Yes sir.

Mr. Prager: Can I have a motion to open the Public Hearing?

**Mr. Johnston: I make a motion to open the Public Hearing.**

**Mr. Galotti: Second.**

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

**Board: Aye.**

Mr. Morris: My name is Jason Morris from Day Engineering representing Mousa Nesheiwat. The applicant purchased this house in disrepair and demolished it. He will be building a new house on the same footprint of

the old house. We are requesting a rear yard variance of 31.9 foot variance and a front yard variance of 17.7 foot front yard variance. The front yard variance will allow him to build stairs to gain access to the first floor of the house.

Mr. Casella: It's not a house yet. It's only a foundation, correct?

Mr. Morris: Yes, right now it's only a foundation.

Mr. Casella: Is this going to be a rental property?

Mr. Morris: I don't know.

Mr. Johnston: Has the Board of Health approved the well and septic?

Mr. Morris: We are in the process of approval right now.

Mr. Prager: I did notice that it says the shed will be removed.

Mr. Morris: It will be removed.

Mr. Galotti: On this plan it says shed to remain but on this plan it says shed to be removed.

Mr. Morris: One map was done by the surveyor and the other was done by our office.

Mr. Prager: Is there anyone in the audience that would like to speak for or against this variance?

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

Mr. Prager: Do I have a motion to close the Public Hearing?

**Mr. Johnston: I make a motion to close the Public Hearing.**

**Mr. Galotti: Second.**

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

**Board: Aye.**

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

**Mr. Galotti: I make a motion to grant this variance. It appears this cannot be achieved in any other means. There is no adverse effect to the environment or the neighborhood.**

Mr. Prager: It is substantial.

**Mr. Johnston: Second.**

**Mr. Casella: Before we grant this, can we have a stipulation that the shed be removed before the c/o is issued.**

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

<b>Ms. Rose:</b>	<b>Al Casella</b>	<b>Yes</b>
	<b>Peter Galotti</b>	<b>Yes</b>
	<b>Bob Johnston</b>	<b>Yes</b>
	<b>Howard Prager</b>	<b>Yes</b>

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

Mr. Prager: Next on the agenda is a discussion on:

**Appeal No. 13-7484**

**Mark Hopkins**-Is seeking an area variance of Section 240.37 of Zoning Regulations in an R-20 Zone District.

-Where **75 feet to a state or county highway** is required for the construction of a front porch, the applicant can only **provide 52 feet**, thus requesting a **23 foot front yard variance.**

-Where **20 feet** to the side yard is required for the construction of a front porch, the applicant can only provide **14 feet**, thus requesting a **6 foot side yard variance.** The property is located at **89 Old Hopewell Road** and is identified by Tax Grid No. **6157-01-118594**

Mr. Hopkins: I am fixing this old house that I bought. I am not sure if I am going to rent it or sell it. The house needs some astatic help. I looked at the other homes in the area and they have charming front porches. My idea is to put on a new porch. There is a small existing porch there now. I will make the one I am proposing wide enough to be functional to be able to put a chair and a table on there. I am asking 2 feet to the front. It will be the same distance from the adjoining property that I am asking the variance for.

Mr. Prager: What is there now?

- Mr. Hopkins: It is a small entrance porch.
- Mr. Hopkins: It might be a foot closer but not more than that.
- Mr. Prager: (Reviewing map with board and Mr. Hopkins) (Maps are available for viewing in the Building Department) Does anyone have any more questions?
- Mr. Galotti: You are making it wider as well as bigger?
- Mr. Hopkins: Yes. The extension will be going away from the other house. (Reviewing map)
- Mr. Parger: How far out does that little porch come out now?
- Mr. Hopkins: About 6 x 6 now.
- Mr. Prager: So you will be coming out a little more than going out that way. (Reviewing the pictures.) You will be 8 feet X 20 feet?
- Mr. Hopkins: Yes. It may be a little less maybe 18 feet. The distance between the boarder and the porch currently is 14 feet. I may need 1 foot that way. (Reviewing the map)
- Mr. Prager: If it goes that 1 foot, will it still be 14 feet or less?
- Mr. Hopkins: I believe it will be 14 feet.
- Mr. Prager: I would like to set up a site visit for March 23<sup>rd</sup>. I will be away that weekend so I will make my site visit during the week.
- Mr. Hopkins: I did spray where the porch would go.
- Mr. Prager: You may want to spray closer to the date of the visit because of the weather. (Pointing to the map) On this side can you put a stake where your property line is? I'm not too worried about the front because I understand your problem is being on a county road. Where your property line is could you could also put a stake in the front of the house,
- Mr. Prager: I will make the Public Hearing for the next meeting which will be March 26<sup>th</sup>.
- Mr. Prager: The next item on the agenda is:

**Appeal No. 12-7473**

**Joseph Carino**-Is seeking an area variance of Section 240-37 of District Zoning Regulations in an R20 Zoning District.

-Where a **rear yard setback of 40 feet is required**, the **applicant can only provide 23 feet** for the installation of a 15X24 foot above ground pool and an attached 23' X 30' deck, **thus requesting a 17 foot rear yard setback.**

-Where a side yard setback of 20 feet is required, **the applicant can only provide 15 feet** for the installation of a 15x24 foot above ground pool and a 23'x30' attached deck, **thus requesting a 5 foot side yard setback.**

The property is located at **7 Morgan Court** and is identified as **Tax Grid No. 6258-01-188954.**

Mr. Carino: My name is Joe Carino and I live at 7 Morgan Court. I have taken your recommendations and in doing so I need less of a variance.

Mr. Prager: Where you are located it is not a big problem. We will not need a site inspection since we were out there already.

Mr. Casella: The only thing we are doing here is the first variance for 20 feet is exactly the same and the second is going from a 10 foot variance to a 5 foot variance.

Mr. Carino: I drew up new plans and sent out the letter to all the neighbors.

Mr. Prager: We will check to see if the cards have to go out again but it will have to be listed in the paper. I will make the Public Hearing for March 26<sup>th</sup>.

**Mr. Johnston: I make a motion to adjourn this meeting.**

**Mr. Casella: Second.**

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

**Board: Aye.**

Susan Rose, Secretary  
Zoning Board of Appeals