

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
March 26, 2013**

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

**Summarized Minutes**

**Members:**

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

**Others Present:**

Mrs. Barbara Roberti	Zoning Administrator
Ms. Sue Rose	Secretary

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**SUMMARY**

Joe Carino	Variance Granted
Mark Hopkins	Variance Granted
Richard & Laurie Harlin	Site Visit & Public Hearing
Laura Burns	Site Visit & Public Hearing

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

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

Mr. Casella: The first order of business this evening is to accept the minutes from February 26, 2013 and March 12, 2013.

Mr. Johnston: I make a motion to accept the minutes from February 26, 2013 and March 12, 2013.

Mr. Casella: Next item on tonight's agenda is a Public Hearing:

**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. Casella: Sue, are all the mailings in order?

Ms. Rose: Yes.

Mr. Carino: We have gone through everything at this point. You all have been out to see it and I have taken your recommendations. No one responded back from the mailings.

Mr. Casella: Is there anyone in the audience that would like to comment on this variance?

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

Mr. Della Corte: Since this is a Public Hearing can you go over everything again.

Mr. Carino: We are putting in an above ground pool with a deck. We originally were going for a side yard variance but after taking your recommendations we moved the pool so we will not be so close to our neighbors. In doing so I reduced the variance. In doing so it set us back. Then the winter hit and that is why there was a six month gap.

Mr. Casella: Any other questions before I make a motion to close the public hearing?

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

**Mr. Johnston: Second.**

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

**Mr. Galotti: I make a motion to grant this variance. This cannot be achieved by any other means. It does not have an undesirable change on the neighborhood. The variance is substantial but it cannot be accomplished any other way. The applicant did change his plan to reduce the variance. It is self created.**

**Mr. Johnston: Second.**

**Mr. Casella: Roll call vote.**

<b>Ms. Rose:</b>	<b>Tom Della Corte</b>	<b>Aye.</b>
	<b>Bob Johnston</b>	<b>Aye</b>
	<b>Peter Galotti</b>	<b>Aye</b>
	<b>Al Casella</b>	<b>Aye</b>

Mr. Casella: Next on the agenda is a Public Hearing for:

**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. Casella: Sue, are all the mailings in order?

- Ms. Rose: Yes, sir.
- Mr. Casella: 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. Casella: Mr. Hopkins, please tell us what you would like to do.
- Mr. Hopkins: I would like to replace the small porch and make it larger. It will be 20 feet wide and 6 feet deep. It will have a roof on it.
- Mr. Casella: We did do a site visit. Does anyone have a question since going to the site?
- Mr. Galotti: It will be getting deeper.
- Mr. Hopkins: Yes, it will be 2 feet deeper.
- Mr. Johnston: When you say deeper, you mean closer to the road.
- Mr. Hopkins: Yes.
- Mr. Casella: I noticed a building permit. Are you doing other work on the house?
- Mr. Hopkins: Yes, I am insulated house and giving it an upgrade.
- Mr. Casella: I noticed the foundation is a stone foundation.
- Mr. Hopkins: The exterior looks a little rough but the interior is fine. It's about 3 feet wide. The house was built in 1790 but I don't think the upper structure is that old.
- Mr. Casella: What are you doing with the shed?
- Mrs. Roberti: What are you doing with the deck?
- Mr. Hopkins: I put railings on the deck.
- Mrs. Roberti: Was the deck existing?
- Mr. Hopkins: Yes.
- Mr. Casella: Is the shed exempt?

Mrs. Roberti: The shed is exempt because it had gotten amnesty but if you ever where to replace it you would need a permit. You cannot put the new shed in the same spot and you would have to come in and get a variance for that.

Mr. Casella: Does anyone in the audience have any questions?

Mr. Casella: Can I have a motion to close the Public Hearing?

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

**Mr. Galotti: Second.**

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

**Board: Aye.**

Mr. Casella: Can I have a motion to grant or deny this variance.

**Mr. Galotti: I make a motion to grant the variance. It cannot be achieved by any other means. There is no undesirable effect to the neighborhood. The request is substantial and cannot be achieved any other way. It will not have any effects on the environment.**

**Mr. Johnston: Second.**

**Mr. Casella: Roll call vote.**

<b>Ms. Rose:</b>	<b>Tom Della Corte</b>	<b>Aye</b>
	<b>Peter Galotti</b>	<b>Aye</b>
	<b>Bob Johnston</b>	<b>Aye</b>
	<b>Al Casella</b>	<b>Aye</b>

Mr. Hopkins: Thank you.

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

**Appeal No. 13-7486**

**Richard & Laurie Harlin**-Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-40 Zoning District.

-Where **25 feet to the side yard is required for the construction of a 20 foot x 16 foot open deck**, the applicant **can only provide 23 feet**, thus requesting a **2 foot side yard variance**.

The property is located at **4 Nicole Drive** and is identified by Tax Grid No. **6257-03-376405**.

Ms. Niemiec: My name is Lisa Niemiec and I am with My Way Home Improvements. We would like to construct a 20 x 16 foot open deck. There is no existing deck there now. We need a 2 foot variance off the left side.

Mr. Casella: Can you make the deck 20 x 14?

Ms. Niemiec: No because it is the edge of the house.

Mr. Della Corte: You are not moving any closer with the dimensions toward the line from the house?

Ms. Niemiec: No, I even went out there today and measured again.

Mr. Galotti: How high off the ground is it?

Ms. Niemiec: I believe it is 12 feet high.

Mr. Galotti: There is nothing there now.

Ms. Niemiec: The back of the house has windows and I think he is putting in a sliding glass door.

Mr. Johnston: This deck is going to use the line of the house.

Mr. Niemiec: Yes.

Mr. Casella: I would like to schedule a site visit. This Saturday at 9:30 am and can you stake out the area where the deck is going. The Public Hearing will be April 9<sup>th</sup>.

Mr. Casella: The next item on the agenda is:

**Appeal No. 13-7485**

**Laura Burns**-Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-20 Zoning District.

-Where **40 feet to the rear yard is required for an existing 15 x 32 oval above ground pool**, the applicant **can only provide 39 feet**, thus requesting a **1 foot rear yard variance**.

The property is located at **30 Easter Road** and is identified by **Tax Grid No. 6056-01-216765**.

Mr. Buggs: My name is Lemonte Buggs. When we bought the pool, the salesman said

we didn't need a variance. We were all new to it. We figured he knew what he was talking about.

Mr. Johnston: How far away is your septic?

Mr. Buggs: I would say about 30 feet.

Mr. Johnston: How far is it from your property line? The right side property line to where the pool starts?

Mr. Buggs: (Pointing to the map) around 30 feet. If I want to build a deck, would I need to come back for a variance?

Mrs. Roberti: You may not. Come into my office and I will help you.

Mr. Casella: I would like to set up a site visit for this Saturday at 10am. The Public Hearing will be April 9<sup>th</sup>.

**Mr. Casella: Can I have a motion to close our meeting.**

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

**Mr. Galotti: Second.**

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

**Board: Aye**

Respectfully Submitted,

Susan Rose, Secretary  
Zoning Board of Appeals