

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
June 11, 2013**

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

**Summarized Minutes**

**Members:**

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

**Others Present:**

|                      |                      |
|----------------------|----------------------|
| Mrs. Barbara Roberti | Zoning Administrator |
| Mrs. Susan Dao       | Secretary            |

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**SUMMARY**

|                    |                                  |
|--------------------|----------------------------------|
| Anthony Mari       | Granted with Stipulations        |
| Jennifer Barrett   | Granted                          |
| Jeff Erns          | Granted                          |
| Elvia Duque        | No Show                          |
| Bank of America    | Public Hearing 6/25 & Site Visit |
| Lorraine McGimpsey | Public Hearing 6/25 & Site Visit |

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

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

The first item on the agenda is a Public Hearing on:

**Appeal No. 13-7480**

**Anthony & Nina Mari**-Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-20 Zoning District.

-Where **15 feet to the side yard is required for an existing 20' X 20' car port**, the applicant **can only provide 13 feet**, thus requesting a **2 foot side yard variance**.

The property is located at **12 Barbara Lane** and is identified by **Tax Grid No. 6156-02-556828**.

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. Galotti: I make a motion to open the public hearing.

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

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

Mr. Mari: My name is Anthony Mari and I live at 12 Barbara Lane. I have a 20 x 20 carport at the side of my house. The variance requires 15 feet and I can only provide 13 feet.

Mr. Prager: We did discuss the number of sheds you have on your property. Have you put any thought into that?

- Mr. Mari: I would consider taking one of them down.
- Mr. Prager: Do you know which one you will be taking down?
- Mr. Mari: I think I'll take down the one in the front on the left. That is the pre fabricated one but I will need some time.
- Mr. Prager: How long do you think you will need?
- Mr. Mari: Three or four months. The reason I put up the third one because we have a lot of patio furniture. We decorate a lot. We have bird feeders.
- Mr. Prager: I would like to see it before 3 or 4 months.
- Mr. Mari: Do I have to take it down. Is this a direct order?
- Mr. Prager: Those properties down there are very small and the zoning has been changed because of that. Things get crowded down there when there are a lot of accessory items on the property. It would be better if you only had two sheds.
- Mr. Mari: I don't think it is that crowded.
- Mr. Prager: The zoning only recommends two sheds.
- Mr. Johnston: There isn't a full panel as you can see. Would you want us to vote tonight or do you want to wait for a full panel?
- Mr. Mari: I'm satisfied you can vote tonight.
- Mr. Prager: Any questions? Is there anyone in the audience for or against this variance?
- Mr. Prager: Let the record show, there is no one in the audience for or against this variance.
- Mr. Johnston: I make a motion to close the Public Hearing.
- Mr. Galotti: Second.
- Mr. Prager: All in favor?

Board: Aye.

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

Mr. Galotti: I make a motion to grant the variance with the stipulation that you remove the shed. If we get you through the summer, you said it would be less of a hard ship? Is 60 days sufficient?

Mr. Mari: 60 days will be fine. It will be the prefab shed.

Mr. Prager: Second.

Mr. Johnston: No

Mr. Prager: I'll second it.

Mr. Mari: Do you want me to call when I remove the shed?

Mr. Prager: It would be wise. Roll call vote.

|           |              |     |
|-----------|--------------|-----|
| Mrs. Dao: | Mr. Johnston | No  |
|           | Mr. Galotti  | Yes |
|           | Mr. Prager   | Yes |

Mr. Prager: We do not have the three votes to grant this. The variance has not been granted.

Mr. Johnston: Can we change it to 30 days?

Mr. Mari: I will do it in 30 days if that is the time you are giving me.

Mr. Johnston: If the stipulation is changed to 30 days, I would vote to grant the variance.

Mr. Prager: Roll call vote again.

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|-----------|--------------|-----|
| Mrs. Dao: | Mr. Galotti  | Yes |
|           | Mr. Johnston | Yes |
|           | Mr. Prager   | Yes |

Mr. Prager: The next item on the agenda is another Public Hearing:

**Appeal No. 13-7490**

**Jennifer Barrett**- Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-40 Zoning District.

-Where a **50 foot front yard setback is required for the construction of a 26' x 27' two car garage**, the applicant **can only provide 26 feet**, thus requesting a **24 foot variance**.

The property is located at **100 Rosewood Drive** and is identified by **Tax Grid No. 6256-01-455940**.

Mr. Prager: Are all the mailings in order?

Mrs. Dao: Yes.

Mr. Piper: We are looking for a 24 foot variance for the construction of a 2 car garage. I'm trying to keep everything in line so I can't move the garage back. If I move it back it would look like an addition, I want it to look like it has always been there.

Mr. Prager: The line is a little short on that one side. Does anyone have any questions?

Mr. Galotti: Will you be using the same siding that is on the house?

Mr. Piper: Yes.

Mr. Johnston: The shed that is there now are you going to move it?

Mr. Piper: No, it is going to be knocked down.

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 in the audience for or against this variance.

Mr. Prager: I do have a letter here Mr. Kolaina that I would like to read.

C. Kotejian, Trustee  
105 Dorothy Lane  
Wappingers Falls,  
New York 12590  
212 739 7220 Work  
347 231 3351 Cellular

Via Hand Delivery

06 June 2013

Mr. Howard Prager, Chairman  
Zoning Board of Appeals, Town of Wappinger  
20 Middlebush Road  
Wappingers Falls,  
New York 12590

RECEIVED  
JUN 6 2013  
ZONING ADMINISTRATOR  
TOWN OF WAPPINGER

Re: Variance request by Ownership of Adjacent property, Appeal # 13-7490

Mr. Prager:

We are in receipt of letter dated 28 May 2013 by the Ownership of the property located at 100 Rosewood Drive, tax lot ID 6256-01-455940, requesting a variance for the construction of a permanent garage structure.

As the Trustee for the adjacent property located at 105 Dorothy Lane, I am submitting this correspondence in lieu of attending the public hearing on this matter (scheduled for next week).

We have no objections to the adjacent property Owner's request for a variance in this specific matter, provided that with respect to the proposed garage (and any planned future structures, additions, extensions, modification of existing structures, fencing, etc.), all minimum Code / Zoning clearance criteria between structures and surveyed property lines shall be respected and maintained.

Please do not hesitate to contact me at any of the telephone numbers above, should you have any questions or concerns.

Regards,

  
Christopher J. Kotejian, Trustee.

cc Ms. Barbara Roberti, Code Enforcement Administrator.  
Mr. S. Diamond; Stenger, Roberts, Davis & Diamond, LLP

Mr. Piper:

This property is on the other street, it is behind my house and we are going the other way with the garage.

- Mr. Prager: Does anyone have any questions?
- Mr. Johnston: I make a motion to close the Public Hearing.
- Mr. Galotti: Second.
- 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. Galotti: Second.
- Mr. Prager: All in favor?
- Board: Aye.
- Mr. Prager: Next on the agenda is another Public Hearing on:

**Appeal No. 13-7492**

**Jeff & Denise Erns**-Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-20 Zoning District.

-Where **20 feet is required to the side yard property line**, the applicant can only provide **15 feet to the side yard** property line for an existing 30 foot above ground pool, thus requesting a **5 foot variance**.

The property is located at **2407 Route 9D** and is identified by Tax Grid No. **6157-01-150686**.

- Mr. Prager: Are all the mailings in order?
- Mrs. Dao: Yes.
- 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. Prager: We did have a site inspection.

Mr. Erns: My name is Jeff Erns and I am here for a 5 foot variance for an above ground pool. It is a 34 foot round pool purchased from Namco back in 2002. We did not realize that a permit was needed. We were contacted by the town and was told we need a building permit.

Mr. Prager: How did this come about?

Mr. Erns: I really don't know but last year we had to replace the liner and 3 tanker truck had to come and refill the pool. Other than that I don't know. My two neighbors use the pool so I don't think it was them.

Mr. Johnston: You got the permit for the electrical for the pool.

Mr. Erns: A1 electrical did come. They brought a gentleman with them and they did the electrical and then I backed filled it.

Mr. Prager: Did you find the certificate?

Mr. Erns: No, we are still looking for it.

Mrs. Roberti: To close out the permit they will have to bring it in. When you got this inspected, did he ask you for a permit number?

Mr. Erns: There is an inspection sticker on the inside of the panel.

Mrs. Roberti: If you call him with the inspection number, he can reproduce the certificate.

Mr. Prager: Is there anyone in the audience for or against this variance.

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

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

Mr. Galotti: Second

Mr. Prager: All in favor?

Board: Aye.

Mr. Galotti: I make a motion to grant the variance.

Mr. Johnston: Second.

Mr. Prager: Roll call vote.

|          |              |     |
|----------|--------------|-----|
| Mrs. Dao | Mr. Galotti  | Aye |
|          | Mr. Johnston | Aye |
|          | Mr. Prager   | Aye |

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

**Appeal No. 13-7491**

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

-Where application **30470 for a permit to construct the conversion of basement garage into family room for an accessory apartment.** The application was **denied because it exceeds 35%.**

The property is located at **89 Scott Drive** and is identified by Tax Grid No. **6257-04-738388** in the Town of Wappinger.

Mrs. Roberti: She is a no show again.

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

**Appeal No. 13-7488**

**Bank of America** – seeking an area variance of Section 240-29 F (2)(a) of Zoning Regulations in an HB Zoning District.

-Where a **free standing sign must be 25 ft. from the property line,** the **applicant is proposing 10 ft. from the property line, thus requesting a variance of 15 ft.**

The property is located at **1469 Route 9** and is identified as **Tax Grid No. 6157-02-609919** in the Town of Wappinger.

Mr. Prager: Please state your name.

Ms. Forrest: My name is Nancy Forrest and I work for Glode signs. Originally a sign was never put up. They only built the base for the sign. I believe the original site plan stated that if they put a sign up they would have to go in front of the Planning Board and they never did.

If they had to go back 25 feet to put up a sign, they would be in the middle of the parking lot.

Mr. Prager: Are they changing the base?

Ms. Forrest: They are changing the base but the location will be the same.

Mrs. Roberti: Just a little history. The first bank that was there came in in the 80's. They didn't know what they wanted to do with the sign so they asked the Planning Board not to hold up the construction of the bank and they would come back when they decide. There have been 5 or 6 banks since the first one and none of the banks wanted a free standing sign. Now this bank wants a free standing sign and now they have to go to the Planning Board; which they are.

Mr. Prager: How many hours is this going to be illuminated?

Ms. Forrest: Most towns and villages have the hours in the code.

Ms. Roberti: Is this going to be LED?

Ms. Forrest: No, it will be fluorescent. It will be internally lighted.

Mr. Prager: I noticed it is going to be 26.82 square feet and the code says 25 square feet.

Mrs. Roberti: The Planning Board has the right to waive the 25 square feet in the idea of good design. It is only a foot plus more.

Mr. Prager: We will have a site visit and then make a recommendation to the Planning Board. A Public Hearing will be June 25<sup>th</sup>.

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

**Appeal No. 13-7493**

**Lorraine McGimpsey**-Is seeking an area variance of Section 240-37 of Zoning Regulation in an R-15 Zoning District.

-Where a **30 foot rear yard setback** is required for the installation of a 24' above ground pool, the applicant can only provide **17 feet** to the rear property line, thus requesting at 13 ft. variance.

The property is located at **20 Ardmore Drive** and is identified by **Tax Grid No. 6257-01-251511** in the Town of Wappinger.

Mr. Prager: Please state your name for the record and explain what you need.

Mrs. McGimpsey: My name is Lorraine McGimpsey. We bought the house in 1976 there was an existing 24 foot above ground pool. We need to replace the pool now. The new pool will be the same size and in the same spot.

Mr. Prager: We will do a site visit on June 22<sup>nd</sup>. Is the old pool still there?

Mrs. McGimpsey: No.

Mr. Prager: Can you mark where it will be.

Mrs. McGimpsey: There is a large circle with sand on it. We will be replacing the same but that is where the pool will be going.

Mr. Prager: We will have the Public Hearing on June 25<sup>th</sup>.

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

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

Mr. Prager: Second.

Mr. Prager: All in favor.

Board: Aye.

Respectfully Submitted,

Susan Rose, Secretary  
Zoning Board of Appeals