

MINUTES

**Town of Wappinger
Zoning Board of Appeals
July 8, 2014**

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

Summarized Minutes

Members:

Mr. Prager	Chairman
Mr. Rexhouse	Member
Mr. Casella	Member
Mr. Johnston	Member
Mr. Galotti	Member

Others Present:

Mrs. Barbara Roberti	Zoning Administrator
Ms. Sue Rose	Secretary
Mr. Jim Horan	Attorney

SUMMARY

Robert Flannigan	Variance Granted
Nancy Bruner	Variance Granted
Michael & Kristen Simms	Variance Granted
Edith & James Rawley	Site Visit & Public Hearing
Barbara & John Casale	Site Visit & Public Hearing

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
Brian Rexhouse----Here
Al Casella-----Here
Bob Johnston-----Here
Peter Galotti-----Absent

Mr. Prager: The next item on tonight's agenda is the acceptance of the minutes from June 10, 2014.

Mr. Casella: I make a motion to accept the minutes from June 10, 2014.

Mr. Rexhouse: Second.

Mr. Prager: All in favor?

Board: Aye.

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

Appeal No. 14-7525

Robert Flannigan-Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in an R20 Zoning District.

-Where **20 feet** to the side yard is required, the applicant can only provide **17 feet**, thus requesting a **3 foot variance** for the construction of a **26 foot X 14 foot (with steps)** replacement deck.

The property is located at **48 Reggie Drive** and is identified by Tax Grid No. **6257-01-073769** in the Town of Wappinger.

Mr. Prager: Are all the mailings in order?

Ms. 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: **Second.**

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

Board: Aye.

Mr. Prager: Please come up and state your name and address and tell us why you need this variance.

Mr. Flannigan: My name is Robert Flannigan and I live at 48 Reggie Drive. The deck is old and I am just replacing it.

Mr. Prager: The deck is the only thing you are replacing?

Mr. Flannigan: Yes.

Mr. Johnston: Are you making it any larger?

Mr. Flannigan: It will be the same size.

Mr. Prager: Do you have a permit for the pool in the back yard?

Mr. Flannigan: Not yet but I will get one.

Mr. Prager: Is there anyone in the audience for or against this variance? Hearing none can I have a motion to close the Public Hearing?

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

Mr. Casella: **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. Casella: **Second.**

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

Ms. Rose: **Al Casella Aye**
 Brian Rexhouse Aye

Bob Johnston **Aye**
Howard Prager **Aye**

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

Appeal No. 14-7528

Nancy Bruner-Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in an R40 Zoning District.

-Where **25 feet** to the side yard is required, the applicant can only provide **1 foot**, thus requesting a **24 foot** variance for an existing **12' X 24'** shed.

The property is located at **57 Brother Road** and is identified by Tax Grid No. **6258-04-892185** in the Town of Wappinger.

Mr. Prager: Are all the mailings in order?

Ms. 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: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Finn: My name is Michael Finn and I live at 57 Brothers Road.

Mr. Prager: We have been out to your house a couple of times. The first map did not show the lot lines clearly. You did come up with another map and it shows that it is 12.9 feet to the property line.

Mr. Finn: My son-in-law, who is surveyor, came out to the house and found the stakes that mark the property line.

Mr. Prager: I measured to the lot lines that are marked now and came up with 20 feet. I would suggest using the 20 feet. We have 12.9 or 20 feet. I would suggest 20 feet.

Mr. Prager: Is there anyone in the audience that would like to speak?

Mrs. Roberti: I think you should go with the 12.9 because you don't know if that stake

was put there in error.

Mr. Casella: It changes the variance from a 24 foot variance to a 12.9 variance thus requesting a 12.3 foot 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. Rexhouse: Second.

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 this variance.

Mr. Johnston: Second.

Mr. Prager: Roll call vote.

Ms. Rose:	Al Casella	Aye
	Brian Rexhouse	Aye
	Bob Johnston	Aye
	Howard Prager	Aye

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

Appeal No. 14-7529

Michael & Kristen Simms-Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in a R20 Zoning District.

-Where **40 feet** to the rear yard is required, the applicant can only provide **32 feet**, thus requesting an **8 foot** variance for an **15' X 24' X 52'** above ground pool.

The property is located at **30 Kent Road** and is identified by Tax Grid No. **6258-03-310026** in the Town of Wappinger.

Mr. Prager: 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. Casella: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: Please state your name and the reason you need this variance.

Mr. Simms: Michael & Kristen Simms and we live at 30 Kent Road. To put the pool at 40 feet it would be right on top of the house.

Mr. Prager: We did do a site visit and it is a small lot. I do have a letter from one of your neighbors that I would like to read. The letter is from the neighbor that lives at 3 Plaza Road (Letter attached to minutes)

Mr. Simms: I know who you are talking about and his property is off to the side of the house. I am planning on putting up a privacy fence but I haven't gotten there yet. I will work with my neighbors.

Mr. Prager: Does anyone on the board have any questions?

Mr. Johnston: Would you be willing to put in some shrubs along the fence?

Mr. Simms: Yes, that is my plan.

Mr. Prager: Is there anyone in the audience that would like to speak concerning this application? Hearing none, do I have a motion to close the Public Hearing?

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

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

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

Mr. Rexhouse: I make a motion to grant this variance.

Mr. Casella: Second.

Mr. Prager: Roll call vote.

Ms. Rose:	Al Casella	Aye
	Brian Rexhouse	Aye
	Bob Johnston	Aye
	Howard Prager	Aye

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

Appeal No: 14-7530

Edith & James Rawley-Is seeking an area variance of Section 240-37 of the Town of Wappinger Regulation in an R40 Zoning District.

-Where **25 feet** to the side yard is required, the applicant can only provide **14 feet**, thus requesting an **11 foot** variance for the construction of a **13' X 25'** addition, to include extending the living & dining room at the first level & extend the family room at the basement level.

The property is located at **19 Booth Blvd** and is identified by Tax Grid No. **6056-03-462505** in the Town of Wappinger.

Mr. Prager: Please state your name for the record. My name is Edith Rawley and my name is Robert Lutz and I am the builder.

Ms. Rawley: I live at 19 Booth Blvd and I want to make extra room in my living room. It is small and I need the extra room for when my family comes to visit for the holidays.

Mr. Johnston: What side of the house will you are coming off of?

Mr. Lutz: When standing in front of the house, it would be the right side.

Mr. Johnston: Is the deck going to be larger?

Mr. Lutz: No, the deck is staying the same and the house is just going to be made longer.

Mr. Prager: We will make a site visit. Please mark out your property lines. We will have a Public Hearing at the next meeting.

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

Appeal No. 14-7531

Barbara & John Casale-Is seeking the following (6) variances of Section 240-37of Zoning Regulations in an R20 Zoning District. The property is located at **30 Sucich Place** and is identified by **Tax Grid No. 6157-02-835614** in the Town of Wappinger.

1. Where **40 feet** to the rear property line is required, the applicant can only provide **20 feet**, thus requesting a **20 foot** variance for an existing **21 foot** round above ground pool with a **24 foot X 8 foot** deck.
2. Where **20 feet** to the side property line is required, the applicant can only provide **14 feet**, thus requesting a **6 foot** variance for and existing **21 foot** round above ground pool with a **24 foot X 8** foot deck.
3. Where **40 feet** to the rear property line is required, the applicant can only provide **14 feet**, thus requesting a **26 feet** variance for and existing **24 X 8 foot** deck that is attached to an existing **21 foot** above ground pool.
4. Where **20 feet** to the side property line is required, the applicant can only provide **7 feet**, thus requesting a **13 foot** side yard variance for an existing **24 X 8** foot deck attached to an existing **21 foot** above ground pool.
5. Where **6 feet** to the side yard property line is required, the applicant can only provide **5 feet**, thus requesting a **1 foot** variance for an existing **6 X 8** shed.
6. Where **6 feet** to the side yard property line is required, the applicant can only provide **5 feet**, thus requesting a **1 foot** variance for an existing **8 X 10** shed.

Mr. Prager: Please come up and state your name and the reason you need this variance.

Mr. Casale: My name is John Casale and this is my wife Barbara Casale and we live at 30 Sucich Place.

Mr. Prager: Are these requested variances correct?

Mrs. Roberti: If a shed with no electric is less than 100 square feet, you only need 6 feet to the side.

Mr. Prager: How long have you owned the property?

Mrs. Casale: 35 years.

- Mrs. Casale: The original pool and the shed were there when we bought the house. We did have to replace the pool. Everything that was replaced was in the exact location of the original ones.
- Mr. Casale: This pool is smaller by 3 feet.
- Mr. Prager: Who installed this new pool and how long has it been there?
- Mr. Casale: We installed it and it has been there since 1998 or 1999.
- Mrs. Casale: We didn't realize that we needed permits because they are all there on our original survey map.
- Mrs. Roberti: I did a site visit with Susan Dao and she informed them what needed to be fixed to come into compliance.
- Mr. Johnston: The deck was there when you bought the house.
- Mr. Casale: Yes, but we had to replace it and made it a little bigger.
- Mr. Prager: Why do you need two sheds?
- Mrs. Casale: Lack of storage space.
- Mr. Prager: We will do a site inspection this Saturday. Please mark out your rear and side property lines. We will set the Public Hearing for the next meeting.
- Mr. Prager: Can I have a motion to go into Executive Session for legal advice?
- Mr. Johnston: I make a motion to go into Executive Session for legal advice.
- Mr. Casella: Second.
- Mr. Prager: All in favor?
- Board: Aye.
- Mr. Prager: Can I have a motion to come out of Executive Session?
- Mr. Johnston: I make a motion to come out of Executive Session.
- Mr. Casella: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Horan: For the record no decisions were made during Executive Session.

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

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

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

Meeting Adjourned: 8:00PM

Respectfully Submitted,

Sue Rose, Secretary
Zoning Board of Appeals

July 1, 2014

To : Howard Prager
Chairman of the Zoning
Board of Appeals

Re : Appeal No. 14- 7529 30 Kent Rd.

Dear Mr. Prager and Board members,

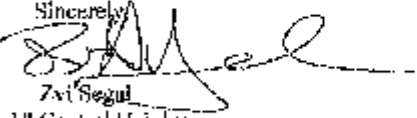
Due to previous commitments I am unable to attend the meeting in person. My name is Zvi Segal and I am the owner of 3 Plaza Rd. in Wappingers Falls. Tax ID # 135689-6258-03-305007.

As you are aware this is an R-20 Zoning district and the lots are quite small. My lot is 100 x 150 for a total of 0.3 acres.

The proposed location of the pool as shown in exhibit 'A' is in close proximity to my lot thereby creating visual and noise issues.

I would like to suggest that if possible the pool should be moved North toward Central Ave. If the Board will decide to grant this variance at the proposed location, I would ask the Board to require that the owner of 30 Kent Rd. provides additional screening to minimize visual and noise impact due to this zoning violation.

Thank you for your consideration.

Sincerely,

Zvi Segal
18 Carmel Heights
Wappingers Falls, N.Y. 12590

RECEIVED
JUL 03 2014
PLANNING DEPARTMENT
TOWN OF WAPPINGER

7/1/14 ZBA - BR.