

MINUTES

**Town of Wappinger
Zoning Board of Appeals
January 9, 2018
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Prager	Chairman	Present
Mr. Casella	Co-Chair	Present
Mr. Galotti	Member	Present

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Virginia Wentink

Variance granted

John & Pam Nabais

Public Hearing on January 23, 2018
Site Visit on January 20, 2018

Mr. Galotti: **Motion to accept the Minutes from December 12, 2017.**
Mr. Casella: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

Appeal No. 17-7635 (Variance)

Virginia Wentink: – Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **25 feet** to the rear yard property line is required, the applicant can only provide **19 feet** for a **12' x 26'** addition to be used as master bedroom and bathroom, thus requesting a variance of **6 feet**.

The property is located at **6 Fieldstone Boulevard** and is identified as **Tax Grid No. 6257-10-256670** in the Town of Wappinger.

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

Mrs. Ogunti: Yes, they are.

Mr. Casella: **Motion to open the Public Hearing.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Mr. Prager: Good evening and come on up.

Ms. Wentink: Good evening.

Mr. Prager: Back in December we had a discussion with you and we did a site inspection of your property. Please state your name for the record and tell us again a little bit about what you need and why you need it.

Ms. Wentink: Virginia Wentink. I'm looking to replace a three season room with a full-time structure of a bathroom and master bedroom.

Mr. Prager: Do you fellows have any questions?

Mr. Galotti: Is the footprint basically the same?

Ms. Wentink: Yes. It's going to be longer but not any deeper.

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

Mr. Casella: **Motion to close the Public Hearing.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Mr. Galotti: Motion to grant the applicant the variance. I don't believe the benefit can be achieved by any other feasible means. It will not create any undesirable effect to any nearby properties. It is not substantial and there is no adverse or physical effect to the environment.

Mr. Casella: Second the Motion.
Roll Call Vote: Mr. Casella YES
Mr. Galotti YES
Mr. Prager YES

Discussion:

Appeal No. 18-7636 (Variance)

John & Pam Nabais: - Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **10 feet** to the rear yard property line is required, the applicant can only provide **7 feet** to the rear for an existing 8' x 12' shed, thus requesting a variance of **3 feet**.

-Where **No accessory structure is permitted in the front yard, the shed is located 60' from front yard line on Diddell Road, the applicant is seeking a variance to allow for an existing 8' x 12' shed to remain in the front yard.**

-Where **50 feet** to the rear property line is required, the applicant can only provide **11 feet** to the rear for an existing 15' x 30' pool with a 4' rear deck, thus requesting a variance of **39 feet**.

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **36 feet** to the rear for an existing 14' x 20' deck off house, thus requesting a variance of **14 feet**.

The property is located at **2 Spring Hill Court** and is identified as **Tax Grid No. 6359-03-212246** in the Town of Wappinger.

Mr. Prager: Good evening. Please state your name for the record.

Mr. Nabais: John Nabais.

Mr. Prager: Is everyone familiar with Spring Hill Road off Diddell Road? Mrs. Roberti, could you explain the first variance? I see we have a corner lot so what do you consider the front of the property?

Mrs. Roberti: They are on a corner so on a corner both sides are considered front yards. You are allowed to pick your rear and your side but they already had structures on it. That only applies when someone is picking something the first time. They had a pool put in and the measurements they were given when they got a permit were not correct. That's why we incorporated that in the variance to clean it up.

Mr. Prager: When was the pool put in?

Mrs. Nabais: It's been in there for 15 years.

Mrs. Roberti: Unfortunately, the house was built very far back and I don't know why they wasted the front yard and they could have had a nice backyard. The backyard is so small when you see the rest of their property.

Mr. Prager: When was the shed built?

Mr. Nabais: It was built 23 years ago. It actually wasn't built I bought it from the Amish people. I figured it didn't have a foundation so I didn't think I needed a permit. They came in with the gravel and put the shed on it.

Mr. Prager: Variance No. 2 is in the front on the property line.

Mrs. Roberti: That's because it exceeds towards the front of the house.

Mr. Prager: Because it's on a corner lot?

Mrs. Roberti: Right, its way off the road.

Mr. Prager: Variance No. 3, is for the pool so where is the pool?

Mrs. Roberti: Everything is in the back.

Mr. Prager: I see some pictures here that you may have taken?

Mrs. Roberti: Yes, I took those pictures.

Mr. Prager: I see something here like an air conditioner?

Mrs. Roberti: Yes, they just didn't get a permit for it.

Mr. Nabais: When we bought the house it had central air except the compressor was underneath the deck. The compressor started blowing hot air up through the deck about three or four years ago so we moved and it put it to the side.

Mrs. Roberti: Unfortunately, the people that you bought the house from never got a permit for the air conditioner and it was covered where it wouldn't have been seen. That

violation was on them but because no one could see it, it wasn't found.

Mrs. Nabais: It's on my real estate paperwork.

Mrs. Roberti: It doesn't matter what that says. Real estate brokers just put down what they see and they don't come in to verify and this causes problems.

Mr. Nabais: I just want everything right.

Mrs. Roberti: Your wife came in and we have incorporated everything we found and what she didn't have a permit for she opened a permit. So moving forward everything will be legalized. Should you have to sell your house, there will be no issues.

Mr. Prager: Barbara, is it just the air conditioning you had a problem with?

Mrs. Roberti: The air conditioning is just a permit.

Mr. Prager: We will have a site inspection on Saturday, January 20th around 9:00am and your public hearing will be on January 23rd.

Mr. Galotti: Is there any way to identify the property lines?

Mr. Nabais: There's a lot of snow out there.

Mr. Prager: Do you know where your property line is?

Mrs. Nabais: Yes, by the survey.

Mr. Nabais: When I put the shed in I was told that it was 15 feet from the property line. There is a dog run and the shed is even with the dog run.

Mr. Prager: Could you at least mark off what you believe is your property line?

Mr. Nabais: How can I do that? Should there be markers or something?

Mr. Prager: Just take a stick and measure it from the house.

Mrs. Roberti: Do you still have the stockade fence there?

Mr. Nabais: Yes.

Mrs. Roberti: According to this map, it shows that the stockade fence is your line.

Mr. Prager: Okay, we will go by that. Do you have any questions for us? If not, we will see you on January 20th and the public hearing will be on January 23rd.

Mr. Nabais: Thank you.

Mr. Casella: **Motion to adjourn.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 7:17 pm

Bea Ogunti
Secretary
Zoning Board of Appeals