

MINUTES

**Town of Wappinger
Zoning Board of Appeals
December 11, 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. DellaCorte	Member	Present
Mr. Haas	Member	Present
Mr. Galotti	Member	Present

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Adjourned Public Hearing:

Richard & Natalie Cerbini	Variance granted
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Public Hearing:

Richard & Jennifer Kozak	Variance granted
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MLM Property Management, LLC	Variance granted
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Nancy Martinelli for 21 st Mortgage Corp.	Variance granted
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Discussion:

Raymond & Gianna Dell'Olio	Public Hearing on January 8, 2019 Site visit on December 15, 2018
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Mr. Galotti: **Motion to accept the Minutes from November 27, 2018.**
Mr. Casella: Second the Motion.
Vote: All present voted Aye.

Adjourned Public Hearing:

Appeal No. 18-7662 (Variance)

Richard & Natalie Cerbini: Seeking an area variance Section 240-37 of the District Regulations in an R20/40 Zoning District.

-Where **50 feet** is required to the front property line, the applicant can provide **48 feet** for a 30' x 6' deck, thus requesting a variance of **2 feet**.

The property is located at **3 Peggy Lane** and is identified as **Tax Grid No. 6157-03-485293** in the Town of Wappinger.

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

Mrs. Ogunti: Yes, they are.

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

Mr. Prager: Hi there. Just come up and state your name for the record.

Mr. Cerbini: Richard Cerbini.

Mr. Prager: Tell us a little bit about what you need and why you need it in case there's someone in the audience who might be interested.

Mr. Cerbini: The front stairs are presently in a state of disrepair and I don't know when they were put in but the house was built in 1960. The railings are also not secured in several spots. We are planning on tearing up the steps and landing. I plan on making it a little larger because you cannot really have anyone standing on the landing now to get in and out of the house.

Mr. Prager: Al, did you have a question about the sheds on that property?

Mr. Casella: Yes, there was a shed built in 1985 on the property that Barbara was going to research and they may be grandfathered.

Mrs. Roberti: I checked that and his sheds are fine.

Mr. Prager: Is there anybody else on the board with questions? If not, is there anybody in the audience who would like to ask any questions about this project? If not, I will entertain a motion to close the public hearing.

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 certainly does not create an undesirable effect to the character of the neighborhood. The request is not substantial and it will not create any physical or environmental effects to the neighborhood.**

Mr. Casella: Second the Motion.

Roll Call Vote:

Mr. Casella	YES
Mr. Galotti	YES
Mr. DellaCorte	YES
Mr. Haas	YES
Mr. Prager	YES

Public Hearing:

Appeal No. 18-7663 (Variance)

Richard & Jennifer Kozak: – Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **40 feet** for a **700 square feet** deck around above ground pool, thus requesting a variance of **10 feet**.

The property is located at **20 Ketchamtown Road** and is identified as **Tax Grid No. 6157-03-012431** in the Town of Wappinger.

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

Mrs. Ogunti: Yes, they are.

Mr. Galotti: **Motion to open the Public Hearing.**

Mr. Casella: Second the Motion.

Vote: All present voted Aye.

Mr. Prager: Hi there. Come up and state your name for the record.

Mr. Kozak: Richard Kozak. I'm seeking a variance for a deck around my above ground pool in my back yard. I'm seeking a variance for 10 feet and the setback is 50 feet.

Mr. Prager: We did a site inspection at this property and we are familiar with it because you were before us a month ago for a shed. Does anybody have any questions? Is there anybody in the audience who would like to ask any questions? If not, I will entertain a motion to close the public hearing.

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

Mr. Casella: **Motion to grant the applicant the variance. Whether the benefit can be achieved by any other feasible means, he really can't. He has a long driveway going to the back and nobody can see anything. It's not really substantial and it is 10 feet. The request won't have any physical or environmental impact.**

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

Appeal No. 18-7664 (Variance)

MLM Property Management, LLC: Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **50 feet** is required to the front property line, the applicant can provide **46 feet** for the construction of a front porch, thus requesting a variance of **4 feet**.

The property is located at **40 Padasana Court** and is identified as **Tax Grid No. 6259-03-430120** 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. Haas: Second the Motion.
Vote: All present voted Aye.

Mr. Prager: Hi there. Come up and state your name for the record.

Mr. DiLello: Gianni DiLello.

Mr. Prager: Kindly state what you need for the record.

Mr. DiLello: This is a new construction and when the property was staked out the surveyor did not take into consideration the front porch. The front porch does not meet the required setback of 50 feet and we have a 46 feet setback. The variance that I'm looking for is 4' x 9'.

Mr. Prager: Again, we all went to look at your property and we noticed the way the step is situated it would be very tight getting into the house. Are there any questions? Is there anyone in the audience with any questions? If not, I will entertain a motion to close the public hearing.

Mr. Galotti: Motion to close the Public Hearing.

Mr. Casella: 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 actually does not create any undesirable change to the neighborhood. The request is not substantial and there is no adverse effect on the environment.

Mr. Casella: Second the Motion.

Roll Call Vote:

Mr. Casella	YES
Mr. Galotti	YES
Mr. DellaCorte	YES
Mr. Haas	YES
Mr. Prager	YES

Appeal No. 18-7665 (Variance)

Nancy Martinelli for 21st Mortgage Corporation: Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **50 feet** is required to the rear property line, the applicant can provide **43 feet** for the legalization of an existing 12' x 22' deck, thus requesting a variance of **7 feet**.

The property is located at **138 Brannon Place** and is identified as **Tax Grid No. 6256-01-497824** in the Town of Wappinger.

Present: Al Cappelli – Architect
Nancy Martinelli – Real Estate Agent

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: Hi there. Please come up and state your name for the record.

Ms. Martinelli: Hi there I'm Nancy Martinelli and I'm the list agent for the property at 138 Brannon Place.

Mr. Prager: For the record, just explain what you need and why you need it.

Ms. Martinelli: There was an existing deck that was built by the previous owner. The property is foreclosed and I'm in the process of trying to sell the property and we are in need of a variance of 7 feet.

Mr. Prager: We did have a site inspection on this property and we did take a look at it and noticed in the back the property drops down quite a bit. Are there any questions from the board? Is there anyone in the audience who would like to ask a question? If not, I will entertain a motion to close the public hearing.

Mr. Galotti: Motion to close the Public Hearing.

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

Mr. Haas: Motion to grant the applicant the variance. The benefit cannot be achieved by any other feasible means. It is not an undesirable change to the neighborhood. The request is somewhat substantial however it will not have any physical or environmental effect and it is self-created.

Mr. DellaCorte: Second the Motion.

Roll Call Vote:

Mr. Casella	YES
Mr. Galotti	YES
Mr. DellaCorte	YES
Mr. Haas	YES
Mr. Prager	YES

Discussion:

Appeal No. 18-7666 (Variance)

Raymond & Gianna Dell'Olio: Seeking an area variance Section 240-37 of the District Regulations in an R15 Zoning District.

-Where **35 feet** is required to the front property line, the applicant can provide **28.9 feet** for a 7' x 9' porch and stairs, thus requesting a variance of **6.1 feet**.

The property is located at **8 Orchard Drive** and is identified as **Tax Grid No. 6257-03-300477** in the Town of Wappinger.

Mr. Prager: Come on up. What we do here in case you have never been to one of our meetings before. This is just a discussion tonight this way if we need additional information from you we will ask you to bring to the public hearing. So please tell us a little bit about what you need and why you need it. Kindly state your name for the record.

Mr. Dell'Olio: Ray Dell'Olio.

Ms. Dell'Olio: Gianna Dell'Olio.

Mr. Dell'Olio: We currently have stone steps that are in a state of disrepair and no handrail. My mother-in-law lives with us and she's barely ambulatory so we need a bigger porch with ADA handrails, larger box steps that are 15" deep. Right now she is homebound if one of us isn't home to help her get out.

Mr. DellaCorte: Did you provide us with pictures of what you are doing?

Mr. Dell'Olio: Yes.

Mr. DellaCorte: Is this off Old Hopewell Road?

Mr. Dell'Olio: Yes.

Mr. Prager: Are there any other questions?

Mr. Galotti: Is this the front yard setback that we are looking at?

Mr. Dell'Olio: Yes.

Mr. Galotti: On the survey it shows 28.9 feet and on the application it shows 32.7 feet.

Mrs. Roberti: The 29 feet is to the side.
Discussion continues.

Mr. Haas: Are you on a corner?

Mr. Dell'Olio: Kind of. The road curves and they are showing a road on the side of the house that doesn't exist.

Mr. Haas: I looked at it and there wasn't a road.

Mr. Dell'Olio: There was supposed to be a road there but it was never made.

Mr. Prager: So this should be 28.9 feet and the variance is now 6.1 feet.

Mr. Casella: So can we amend it here?

Mrs. Roberti: Sure, we haven't published so Bea is just going to change the public hearing notice.

Ms. Dell'Olio: Sorry, we didn't know what we were doing.

Mrs. Roberti: Better today than when we publish.

Mr. Prager: We will schedule the site visit for Saturday.

Mr. Casella: Do you have it staked out?

Mr. Dell'Olio: No.

Mr. Prager: You should probably show us the property line.

Mr. Dell'Olio: Yes.

Mr. Prager: Just put a stick or something. We will do at site visit on Saturday around 9:00am. Are you going to be home?

Ms. Dell'Olio: Yes, we will be home.

Mr. Prager: If you have some place to be you can go as long as it is marked up. That's all we need.

Ms. Dell'Olio: It's just religion and other errands so I'll go and he can stay.

Mr. Prager: We will set the public hearing for January 8, 2019.

Mrs. Ogunti: Could you have someone swing by the office to pick up the updated public hearing notices.

Ms. Dell'Olio: Is Friday okay for someone to stop by?

Mrs. Ogunti: That's okay.

Mr. Prager: So the site inspection is this Saturday at 9:00am and the public hearing will be on January 8th.

Mr. Dell'Olio: Thank you.

Mr. Casella: Bea, for the record I will not be here on January 8th.

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

Respectfully Submitted,

Adjourned: 7:21 pm

Bea Ogunti
Secretary
Zoning Board of Appeals