

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
October 22, 2019  
Time: 7:00PM**

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

Summarized Minutes

**Members:**

Mr. Casella	Chairman	Present
Mr. DellaCorte	Member	Present
Mr. Galotti	Member	Absent
Mr. Haas	Member	Absent
Mr. Shah	Member	Present

**Others Present:**

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

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**SUMMARY**

**Public Hearing:**

Tibor Daranyi, Jr.	Variance Granted
Loretta Lear	Variance Granted
Anthony Bottini	Variance Granted

**Mr. DellaCorte:** **Motion to accept the Minutes from October 8, 2019.**

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

**Video of the October 22, 2019 Zoning Board of Appeals Meeting:**

<https://www.youtube.com/watch?v=ofO9tn0pBKA>

**Public Hearing:**

**Appeal No. 19-7687 (Variance)**

**Tibor Daranyi, Jr.:** Seeking an area variance Section 240-37 of the District Regulations in an R20 Zoning District.

-Where **20 feet** to the side is required, the applicant can provide **7 feet** for the construction of an 8' x 12' deck, thus requesting a variance of **13 feet**.

The property is located at **24 Booth Boulevard** and is identified as **Tax Grid No. 6056-03-415397** in the Town of Wappinger.

Mr. DellaCorte: I just want to put on the record that Erica and Tibor are my neighbors and it won't affect my decision.

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

Mrs. Ogunti: Yes, they are.

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

Mr. Shah: Second the Motion.

Vote: All present voted Aye.

Mr. Casella: Good evening Mr. Daranyi. Please tell us a little bit about what you are looking for so if there's somebody in the audience who would like to speak for or against it.

Mr. Daranyi: I'm looking to have an 8' x 12' deck that was taken down 16 years ago to be put back.

Mr. Casella: Previously you had a 9' x 12' deck and you haven't had another deck since 2013?

Mr. Daranyi: No, since 2003.

Mr. Casella: There is a sliding glass door and there's a quick drop. So now you want to put another deck there.

Mr. Daranyi: Yes.

Mr. Casella: Did everyone get a chance to take a look at the property?

Mr. DellaCorte: Yes.

Mr. Casella: Are there any questions?

Mr. Galotti: No.

Mr. Casella: Is there anyone in the audience who would like to speak for or against this variance? If not, I would like to 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. Galotti:** **Motion to grant the applicant the variance. I don't believe the benefit can be achieved by any other feasible means. There is no undesirable detriment to the neighborhood. The request is substantial however, there will be no adverse physical or environmental effects to the character of the neighborhood.**

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

**Appeal No. 19-7688 (Variance)**

**Loretta Lear:** Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **25 feet** to the side is required, the applicant can provide **20 feet** for the construction of an 8' x 38' deck, thus requesting a variance of **5 feet**.

The property is located at **7 Lor Mar Court** and is identified as **Tax Grid No. 6258-02-845602** in the Town of Wappinger.

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

Mrs. Ogunti: Yes, they are.

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

Mr. Galotti: Second the Motion.

Vote: All present voted Aye.

Mr. Casella: Please come up and tell us what you want and why you want it.

Ms. Lear: I need my deck repaired because it's rotting and I want it just a little bit wider. It's the full length of the house that's why it's 38 feet. You really can't put anything on it except a chair.

Mr. Casella: We all were out there and we looked at the property. It's going to be the same length and nothing is changing.

Ms. Lear: Yes.

Mr. Casella: Are there any questions and does anyone want to speak for or against this variance? If not, I would like to entertain a motion to close the public hearing.

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

Mr. Shah: 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 means feasible to the applicant. There is no undesirable change to the neighborhood. The request is not substantial and will not have an adverse, physical or environment effect. The request is self-created.**

Mr. Galotti: Second the Motion.

Roll Call Vote:	Mr. Shah	YES
	Mr. Galotti	YES
	Mr. DellaCorte	YES
	Mr. Haas	YES
	Mr. Casella	YES

**Appeal No. 19-7686 (Variance)**

**Anthony Bottini:** Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **25 feet** to the side property line is required, the applicant can provide **11' 8"** for the installation of an in ground pool, thus requesting a variance of **13' 2"**.

The property is located at **7 Carmel Heights** and is identified as **Tax Grid No.: 6258-04-772231** in the Town of Wappinger.

Mr. Galotti: Mr. Chairman, I would like to recuse myself from this application.

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

Mrs. Ogunti: Yes, they are.

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

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

Mr. Juliano: We all had the site visit and everything was looked at. You know the hardship is the water in the back and everybody have seen that. There's loads of water back there. That's the reason for having the pool in the front. Does anyone have a problem with that?

Mr. Shah: I spoke to your neighbor across the street, Dr. Vig. He has strong objection having the pool in the front. Especially from my house I can see everybody walking around.

Mr. Juliano: I talked to him. Is it the one right across the street?

Mr. Shah: No. I believe he is 4 Carmel Heights.

Mr. Juliano: Yes, he came out and I spoke to him and his neighbor behind him as well.

Mr. Shah: That's a different street.

Mr. Juliano: After we told them what we were going to do and where the pool was going to be and the wall, he liked the idea of the wall. He has no problem with it so I told him to come and talk for us. He can't get here either way but I did see him.

Mr. Shah: I saw him on Sunday night.

Mr. Juliano: I saw them on Saturday. So you saw them after me?

Mr. Shah: Yes.

Mr. Juliano: Is that the gentleman directly across?

Mr. Shah: I'm not sure if it was directly across since it was night time. It was 4 Carmel Heights.

Mr. Juliano: There were two gentlemen that came up to the property. I had Rick Bottini there with me. I don't know which one was the doctor.

Mr. Shah: Did he have a turban on?

Mr. Juliano: No, that's the wrong guy but the one across the street had no problem.

Mr. Shah: Not so much about the pool but people walking around.

Mr. Casella: What Shailesh and I talked about when we saw you on Saturday was moving the hot tub behind the white pole and potentially the pool up the swale. We want it far away from the drain. I didn't get a chance to talk to my colleagues about my idea. I certainly agree that having the pool in the front all of the neighbors can see it even if you put up a deer fence or whatever else you talked about. If you put it on the side of the yard would be okay.

Mr. Juliano: Above the swale.

Mr. Casella: So when we talked about the drain on the side of the property, we said if you go up on the swale a little bit that might be the spot. This way you are not in the front yard but even with the house. It will be easy to sell and we don't want to set a precedence.

Mr. Juliano: I understand. Let me tell you what we came up with because I did take that into advisement. Let me bring the plan up to the dais so we can look at it.

Mr. Casella: Absolutely. Do you guys have any comments to make?  
Mr. Haas: I vote to move everything out of the front yard.

Mr. DellaCorte: I do have a questions for Barbara. Is the front of the house going to be the entry way?

Mrs. Roberti: If you look at this plan to the right of the front of the house it drops forward like a bow window. So I would measure from the front of the wall across and that's the front yard. Anything behind that would be considered the side.

Mr. Juliano: That would be very acceptable.

Mr. Casella: There's a patio on the side so I'm not sure if it's exactly the same but there's a white post. That's what we were looking at.

Mr. Juliano: We looked at that first but then we would need a side yard variance for a couple of feet before we were denied. Al, we talked about it being on the hill but that would be zero lot line.

Mrs. Roberti: According to this plan the pool is 11' x 8' from the side.

Mr. Juliano: Correct.

Mrs. Roberti: You are in an R40 Zoning District so you need 25 feet so you will require a variance to the side.

Mr. Juliano: That's exactly correct.

Mrs. Roberti: Where is the hot tub now?

Mr. Juliano: It will be a portable that will be brought in and out and put on the side. So we don't have to dig it in.

Mrs. Roberti: So let's define portable. Is he taking it out every night and bringing it in?

Mr. Juliano: Not every night.

Mrs. Roberti: Then it needs a permit.

Mr. Juliano: We can put it on the side line.

Mrs. Roberti: As long as you meet the 10 feet in.

Mr. Haas: If not in the front yard where does the hot tub go?

Mr. Juliano: Wait a second. It will work.

Mr. Casella: Could you come up here and show us on this plan.

Mr. Juliano goes over the new proposal to show where everything is going.

Mrs. Roberti: If and when this is granted and when you come in you will need a grading permit. On the grading permit it has to have a survey as-built showing the fence, the gates and all of the mechanicals have to be shown.

Mr. Juliano: Yes.

Mr. Haas: Is this that propane here?

Mr. Juliano: Yes.

Mr. Haas: Where is the tank?

Mr. Juliano: We will bury it.

Mrs. Roberti: It has to be 10 feet off the property.

Mr. Juliano: I might have to rethink burying it.

Mrs. Roberti: So the tank has to be 10 feet off the side.



- Mr. Juliano: We bury tanks all the time. It will be 10 feet off the buildable property line.
- Mrs. Roberti: Zoning says 10 feet off the side property line.
- Mr. Juliano: I was going to put the tank on the property line because this building is 50 feet of the property line.
- Mrs. Roberti: You need 5 feet separation.
- Mr. Juliano: It's in the grown and we do this all the time for a living.
- Mr. Haas: Do you have enough hose to reach from the truck?
- Mr. Juliano: You might be 100% right we might not have enough hose. We might have to put it somewhere else.
- Mr. Galotti: I think you might be able to find a spot.
- Mr. Juliano: I'm thinking about the equipment. The tank will never work.
- Mr. Casella: Does he need to do anything about the paperwork?
- Mrs. Roberti: If you all are in agreement, the public hearing notice was for the front yard only. So if you want to use this plan, I will deny it tomorrow changing the front yard variance to side yard variance for the pool. You can set the public hearing for November 12<sup>th</sup> based on this plan, then Bea can do the public hearing notice. Mr. Juliano can pick it put tomorrow or Thursday and we will move forward.
- Mr. Haas: Where are you putting the tank, the mechanicals and all that stuff?
- Mrs. Roberti: You will need 5 feet separation.
- Mr. Casella: He has to figure out how to take care of the mechanicals and not only the tank but everything else.
- Mr. Haas: You can't get a variance for the tank.
- Mr. Juliano: I'm not worried about the tank.
- Mrs. Roberti: He knows the mechanicals have to be 5 feet off the property line so he'll find somewhere else. That's

something you can deal with when you get the grading permit.

Mr. Juliano: Do you think we can get a variance for mechanicals on the property line?

Mrs. Roberti: No, you have to be off the property line.

Mr. Juliano: It's not buildable property.

Mrs. Roberti: It doesn't matter.

Mr. Juliano: Honestly, Barbara.

Mrs. Roberti: It really doesn't matter. We don't want anything on the property line.

Mr. Juliano: Remember guys, I'm an inspector too.

Mr. DellaCorte: So the hot tub is not on the variance anymore.

Mrs. Roberti: It will be on the building permit.

Mr. Juliano: What if I buried the hot tub.

Mrs. Roberti: It will be like another in ground pool.

Mr. Juliano: But it's under 100 square feet.

Mrs. Roberti: Because it's 10 feet off the side you have to add that to your grading permit.

Mr. Juliano: Will that be acceptable?

Mrs. Roberti: If you want to bury it.

Mr. Haas: Wouldn't it have to be 25 feet?

Mr. Juliano: It is 56 square feet.

Mrs. Roberti: It is very small.

Discussion continues.

Mr. DellaCorte: So they are going to have another public hearing?

Mrs. Roberti: You will need a motion to set the public hearing based on the new plan dated October 21, 2019 to do a side yard setback for the pool to go on the side. We will do a public hearing notice that represents this plan. That's what will be circulated to the neighbors and will go to the newspaper for the public hearing to be held on November 12<sup>th</sup>.

Mr. Casella: Do we need to deny this particular variance?

Mrs. Roberti: No, he's altering it.

**Mr. DellaCorte: Motion to set the Public Hearing for November 12, 2019 based on the updated plan dated October 21, 2019.**

Mr. Haas: Second the Motion.  
Vote: All present voted Aye.

Mrs. Roberti: So you want to adjourn this public hearing and not close it because people might want to come.

**Mr. Galotti: Motion to adjourn the Public Hearing to November 12, 2019.**

Shah: Second the Motion.  
Vote: All present voted Aye.

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

Respectfully Submitted,

Adjourned: 7:30 pm

Bea Ogunti  
Secretary  
Zoning Board of Appeals