

MINUTES

**Town of Wappinger
Zoning Board of Appeals
November 27, 2018
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Prager	Chairman	Present
Mr. Casella	Co-Chair	Absent
Mr. DellaCorte	Member	Present
Mr. Haas	Member	Present
Mr. Galotti	Member	Present

Others Present:

Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Public Hearing:

Richard & Natalie Cerbini	Adjourned to December 11, 2018
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Discussion:

Richard & Jennifer Kozak	Public Hearing on December 11, 2018 Site Visit December 1, 2018
MLM Property Management, LLC	Public Hearing on December 11, 2018 Site Visit December 1, 2018
Nancy Martinelli for 21 st Mortgage	Public Hearing on December 11, 2018 Site Visit December 1, 2018

Mr. Haas:	Motion to accept the Minutes from November 13, 2018.
Mr. DellaCorte:	Second the Motion.
Vote:	All present voted Aye.

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: I understand that the mailings are not in order?

Mrs. Roberti: That is correct.

Mr. Prager: We will have to open the public hearing and then close it.

Mrs. Roberti: You will have to adjourn it to December 11th and then this will be republished.

Mr. Prager: So is there anybody here for the Cerbini hearing? If not, can I have a motion to open the public hearing?

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

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

Mr. Haas: Motion to adjourn the Public Hearing to December 11, 2018.

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

Discussion:

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: Hello there, come on up. I thought you had a variance before us?

Mr. Kozak: I did. It was a variance for a shed.

Mr. Prager: Now you want to put a deck around the pool?

Mr. Kozak: I have a certificate of occupancy on that and now I want to install a deck.

Mr. Galotti: Bea, did he tell you who he is for the record?

Mrs. Ogunti: I know who he is.

Mr. Kozak: I am sorry my name is Richard Kozak, 20 Ketchamtown Road in Wappingers Falls.

Mr. Prager: Is it in the rear?

Mr. Kozak: That is correct.

Mr. Prager: Are you going by the sketch that's in here?

Mr. Kozak: That is correct.

Discussion continues.

Mr. Prager: Are there any questions?

Mr. DellaCorte: Is that a brick wall or stone wall?

Mr. Kozak: That is a stone wall.

Mr. DellaCorte: Is that the property line?

Mr. Kozak: No, my property line extends 40 feet on that side. The deck is actually going to be against the stone wall.

Mr. Prager: Okay. You want to take a look at it this Saturday? How does Saturday work for you around 9:00am?

Mr. Kozak: I may not be there because my son has basketball in the morning.

Mr. Prager: If you are not going to be there just mark it up.

Mr. Kozak: I sure can. I will put sticks.

Mr. Prager: Mark out where the pool is going.

Mr. Kozak: The pool is in and has been inspected by the Town. I will put four sticks and it will be a rectangle around the pool.

Mr. Prager: Also put a stick where your property line actually is.

Mr. Kozak: Okay. I will put two sticks one at the farthest point and another to the closest point.

Mr. Prager: We will set the public hearing for December 11th and the site visit will be this Saturday around 9:00am.

Mr. Kozak: Thank you Bea.

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: Come on up and state your name please.

Mr. DiLello: Gianni DiLello.

Mr. Prager: Tell us a little bit about what happened.

Mr. DiLello: Apparently there was a discrepancy between me and my surveyor. The surveyor did not see the front porch. It's a new

dwelling and the surveyor did not realize the front porch so when he staked out the house he did not allow for the front porch.

Mr. Prager: Okay.

Mr. DiLello: The front porch is only 9 feet wide. I am not asking for a variance for the entire house. I'm only asking for 4' x 9'.

Mr. Galotti: You can provide 46 feet?

Mr. DiLello: Correct.

Mr. Prager: Where is Padasana Court?

Mr. DiLello: Padasana is by the airport. It's between New Hackensack Road and All Angels Heights. It is a new subdivision that was put in there by Rob Macho.

Mr. Prager: Oh, I know where it is. Are there any questions?

Mr. DellaCorte: What is this on the drawing here?

Mr. DiLello: That is the front porch and we encroach by 4 feet.

Mr. Prager: We will take a look at it on Saturday. It will be after we do the first inspection so around 9:15am. We have some paperwork for you.

Mr. DiLello: Absolutely Ms. Bea. Thank you.

Mr. Prager: I will set the public hearing for December 11th. Just put a stick where your property line is.

Mr. DiLello: I guess you want it roped?

Mr. Prager: No, not necessarily.

Mrs. Roberti: This is the road and this is your property. It's usually 10 to 12 feet from the line so just measure from there.

Mr. DiLello: It's right on the road so I will put an orange paint line.

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 Broker

Mrs. Roberti: Has Susan looked at this?

Mr. Cappelli: No, Tony did.

Mrs. Roberti: Okay good so everything is done at the same time.

Mr. Prager: Good evening. Come on up.

Ms. Martinelli: Good evening, Nancy Martinelli.

Mr. Cappelli: Alfred Cappelli. Has everybody had the opportunity to read the narrative?

Mr. Prager: Unfortunately, we just got this today.

Mr. Cappelli: This is a foreclosure and Nancy represents the bank in this proceeding. The property has been sold and in the past several months we have taken care of a bunch of issues and violations that were at the Building Department. There was a municipal search and we found out that the deck was built without a building permit and is too close to the back property line. When you come out you will see the deck and how old it is. It has been there for about 30 years.

Mr. Prager: When was the house built?

Mr. Cappelli: The deck wasn't built with the house. There was a deck that was converted into a sunroom and they built the deck beyond that.

Ms. Martinelli: The house was built in 1978.

Mr. Prager: Al, do you know when the deck was built?

Mr. Cappelli: No, I think Tony Stein from the Building Department told me it was done like post 1980. He looked it up on Google Earth and he saw it there.

Mrs. Roberti: They did have a permit for the porch so it would be after that.

Mr. Prager: Okay, we will take a look at it on Saturday.

Mr. Cappelli: So you will be there around 9:30am or so?

Mr. Prager: Yes. We will start at Ketchamtown Road and head to Padasana Court and then Brannon Place. I'll say we will be there around 9:15am or 9:20am. Your public hearing will be on December 11th.

Mr. Cappelli: Okay.

Mr. Haas: We will be there this Saturday.

Mr. Cappelli: Right.

Mr. DellalCorte: Al, do you need markings or anything?

Mr. Cappelli: The deck is there so there's nothing to stake out.

Mr. DellaCorte: Is the property line staked out?

Mr. Cappelli: The property line is not but I'll see if I can stake it out for you. It goes out on a steep hill so if I have my boots on I'll see if I can stake it out for you. The surveyor was out there maybe he put a couple of sticks there. I'll take a look at it.

Mr. Galotti:
Mr. Haas:
Vote:

Motion to adjourn.
Second the Motion.
All present voted Aye.

Respectfully Submitted,

Adjourned: 7:20 pm

Bea Ogunti
Secretary
Zoning Board of Appeals