

MINUTES

**Town of Wappinger
Zoning Board of Appeals
March 24, 2009**

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

Summarized Minutes

Members:

| | |
|-------------------|---------------|
| Mr. DellaCorte, | Vice-Chairman |
| Ms. McEvoy-Riley, | Member |
| Mr. Casella, | Member |
| Mr. McVeigh, | Member |

Member Absent:

| | |
|-------------|----------|
| Mr. Prager, | Chairman |
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Others Present:

| | |
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| Mr. Horan, | Town Attorney |
| Mrs. Lukianoff, | Zoning Administrator |
| Mrs. Roberti, | Secretary |

SUMMARY

Public Hearing:

Brett & Toni Ann Slagle -Granted Variance with conditions.

Discussion:

Corporate Park/Temp. Sign -Public Hearing on April 14, 2009.

Osborne Square -Public Hearing on April 14, 2009.

Mr. Casella: **Motion to approve the minutes for March 10, 2009.**
Mr. McVeigh: Second the motion.
Vote: All present voted aye.

Appeal No. 09-7390

Brett & Toni Ann Slagle- Seeking an area variance of Section 240-37 of District Regulations in an R-20 Zoning District.

-Where **a rear yard setback of 40 feet is required**, the applicant is **proposing a rear yard setback of 12 feet**, to allow for a 18' X 33' above ground pool with surrounding deck (10' X 24'), **thus requesting a variance of 28 feet.**

The property is located at **4 Carroll Drive** and is identified as **Tax Grid No. 6257-02-952622** in the Town of Wappinger.

Mr. DellaCorte: Are the mailings in order?

Mrs. Roberti: Yes they are.

Ms. McEvoy-Riley: **Motion to open the public hearing.**
Mr. McVeigh: Second the motion
Vote: All present voted aye.

Mr. Slagle: I would like a pool in my back yard. Obviously I need a variance and I cannot put the pool anywhere else on the property due to multiple easements on the property that made it impossible to put the pool anywhere else . The easements also forced the house to be put as far back as it is on the property lot which left very little back yard. We also are not allowed to put the pool in the front. We have requested the setback for 12 feet but we may need less but want a margin of error here. There is also a creek in the rear that has an easement on it.

Mr. DellaCorte: Is there anyone in the audience with a comment?

Ms. Cole: Arleen Cole, 4 Scott Drive. We abut the rear of their property and we vote no. Shortly after they moved in they poisoned our lawn by the fence. During a 4th of July party they shot fireworks directly at our property close to the property line. They put a pool up every summer.

Ms. McEvoy-Riley: They are here purely for a variance and not for neighborly problems.

Ms. Cole: I don't want to look at their pool. My kitchen window is my outlook on my whole property.

Ms. McEvoy-Riley: There are a lot of pools in your neighborhood.

Ms. Cole: I have one too. When I bought my house that was an empty lot and I was told a house would never be built there because the lot was too small.

Ms. McEvoy-Riley: There really is no where else to put it.

Ms. Cole: But it is my right to enjoy my property and my line of sight when I look out my window.

Mr. DellaCorte: Where exactly is Scott Drive.

Ms. Cole: Right here at the intersection of Scott and Carroll.

Mr. Slagle: Her side lot is actually my back yard.

Mr. Horan: How far is your house from here?

All parties stepped up to the dais to discuss the map.

Mr. Horan: It looks as though it is about 138 feet.

Ms. Cole: Probably.

Mr. Picciolo: Anthony Picciolo, Father in law of the Mrs. Slagle. The summer pool they have now is dangerous and their girls are getting bigger and they need a safer pool. This women can't decide this and anyone can oppose it but the ZBA is the board that decides this.

Ms. Cole: His opinion has nothing to do with this. I pay taxes and he doesn't. I do not want to grant this variance and if it is granted I will hire a lawyer or whatever I have to in order to prevent this.

Mr. Slagle: I pay taxes also and I have large portions of my property that I cannot use.

Mr. DellaCorte: We have been at this a very long time Ms. Cole. Both of you have the right to speak. We also have an e-mail from a neighbor Mrs. Florence Martinez of 326 All Angels Hill Road. *Read the e-mail into the record.*

Ms. McEvoy-Riley: Can you cut the width of the pool at all?

Mr. Slagle: Only by 3 feet at most.

Mr. DellaCorte: We all did go out for a site visit.

Mr. Horan: How far from the rear of the house to the property line?

Ms. McEvoy-Riley: They probably don't have 35 feet in the rear from the house.

Discussion followed at the dais.

Ms. Cole: I would like to add that they bought the house knowing how big the back yard was and then they put an addition on it.

Mr. DellaCorte: We are only here to deal with the variance. Is there anyone else with a question or comment? Hearing none.

Mr. Casella: Motion to close the public hearing.

Ms. McEvoy-Riley: Second the motion

ZBA Roll Call: Mr. McVeigh: Aye.

Ms. McEvoy-Riley: Aye.

Mr. Casella: Aye.

Mr. DellaCorte: Aye.

Ms. McEvoy-Riley: Let's discuss some screening. I prefer natural screening.

Mr. McVeigh: I prefer a fence.

Mr. Casella: A fence.

Mr. DellaCorte: A six foot high fence along the rear chain link fence in stockade or a solid.

Ms. McEvoy-Riley: Motion to grant the variance. I understand the neighbor's concerns but most of the neighborhood does have a pool. So I don't see an undesirable change in the character of the neighborhood. There are really no other feasible methods to achieve this and they should also be able to enjoy their

property. There will be no impact on the environment and the difficulty is self created and is substantial but this is a small piece of property and I also propose the condition of the solid 6 ft. fence along the rear chain link fence.

Mr. Horan: For the record we note that a substantial portion of the eastern portion of the property contains a stream with a conservation easement over that portion of the property so that nothing can be put in that portion of the property.

Mr. McVeigh: Second the motion

ZBA Roll Call: Mr. McVeigh: Aye.

Ms. McEvoy-Riley: Aye.

Mr. Casella: Aye.

Mr. DellaCorte: Aye.

Mr. Picciolo: One question, these fences cost a lot of money. When does that need to be put up?

Mrs. Lukianoff: To receive their CO to use the pool the fence must be in place.

Mr. Slagle: Thank you.

Appeal No. 09-7391

Corporate Park- Seeking an area variance of Section 240-29(F)(5) of District Regulations in an HB Zoning District.

-Where **6 sq. ft. maximum size is allowed for a temporary sign**, the **applicant is proposing a temporary sign of 24 sq. ft.**, thus **requesting a variance of 18 sq. ft. for a temporary sign.**

The property is located at **1281-1289 Route 9** and is identified as **Tax Grid No. 6157-04-563441** in the Town of Wappinger.

Present: Kevin Lund

Ms. McEvoy-Riley: How long is the temporary sign temporary for?

Mr. Lund: We have a substantial amount of sq. ft. for rent for a very long time in our rear building which is set back far from the road. Our property sits on a hill with poor sight distance. Frankly a 6 sq. ft sign at 60 mph is quite small.

Mr. Casella: Why do you want a 6 ft. sign, why four times the size?

Mr. DellaCorte: Is this the size of a blackboard?

Mr. Lund: Yes. It's like our regular sign out there.

- Mr. DellaCorte: How long is temporary?
- Mrs. Lukianoff: The code states 6 months.
- Mr. Casella: How long has this been up for so far?
- Mr. Lund: The application was denied based on size.
- Mrs. Lukianoff: This sign also has to be 25 feet from the pavement.
- Mr. McVeigh: I want a site visit for this.
- Mr. Lund: I will build a sign of 4 X 6 feet and place it there for you to see.
- Mr. DellaCorte: Can you have it there for Saturday?
- Mr. Lund: Yes I will.
- Mr. DellaCorte: We will schedule your site visit for March 28th and your public hearing for April 14, 2009.
- Mr. Lund: Thank you.

Appeal No. 09-7392

Osborne Square- Seeking an area variance of Section 240-37 of District Regulations in an HO Zoning District.

-Where **a front yard setback of 75 feet is required to a county or state highway**, the applicant is **proposing a front yard setback of 73 feet**, to allow for columns and a sidewalk in front of new retail / office space, **thus requesting a variance of 2 feet**. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger.

Present: Kevin Lund

Mr. Lund: We are proposing two buildings on Route 9 and we have had a difficult time squeezing in the septic system. This is a difficult site in general and we would like a decorative front with columns and they encroach into the setback by two feet. This is where the old A & B Restaurant Equipment building was just before Smithtown Road.

Discussion followed at the dais looking over the plans.

Mr. DellaCorte: We will set the public hearing for this also on April 14th, 2009.

Mr. Lund: Thank you.

Mr. McVeigh: Motion to adjourn.

Ms. McEvoy-Riley: Second the motion

Vote: All present voted aye.

Meeting ended at 8:45 PM

Respectfully Submitted,

Barbara Roberti, Secretary
Zoning Board of Appeals