

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
April 28, 2009**

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

**Summarized Minutes**

**Members:**

|                 |               |
|-----------------|---------------|
| Mr. Prager,     | Chairman      |
| Mr. DellaCorte, | Vice-Chairman |
| Mr. Casella,    | Member        |
| Mr. McVeigh,    | Member        |

**Member Absent:**

Ms. McEvoy-Riley, Member

**Others Present:**

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

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**SUMMARY**

**Public Hearing:**

Schumacher/Zaremsky -Variance Granted.

Angelo Fabrizio -Variance Granted.

**Discussion:**

Wanda Rosa -Public Hearing on May 12, 2009.

Christian Harkins -Public Hearing on May 12, 2009.

**Mr. Casella:** Motion to approve the minutes for April 14, 2009.  
**Mr. McVeigh:** Second the motion.  
**Vote:** All present voted aye.

**Appeal No. 09-7393**

**George Schumacher & David Zaremsky**- Seeking an area variance of Section 240-37 of District Regulations in an R-40 Zoning District.

-Where **a rear yard setback of 50 feet is required**, the applicant is **proposing a rear yard setback of 20 feet**, to allow for a 15' X 33' above ground pool with attached deck, **thus requesting a variance of 30 feet.**

-Where **a side yard setback of 50 feet is required**, the applicant is **proposing a side yard setback of 40 feet**, to allow for a 15' X 33' above ground pool with attached deck, **thus requesting a variance of 10 feet.**

The property is located at **35 Ketchamtown Road** and is identified as **Tax Grid No. 6157-03-074459** in the Town of Wappinger.

**Mr. Prager:** Are the mailings in order?

**Mrs. Roberti:** Yes they are.

**Mr. DellaCorte:** Motion to open the public hearing.  
**Mr. Casella:** Second the motion  
**Vote:** All present voted aye.

**Mr. Prager:** We have done a site visit at your property.

**Mr. Schumacher:** We are a corner lot with a small rear yard. On the right side of my yard is the septic so this needs to go on the left. We are enclosed with a 6 ft. PVC fence as well.

**Mrs. Diaz:** Nancy Diaz, 10 Alfreda Court. We have no issues with this.

**Mr. Prager:** Anyone else in the audience? Hearing none.

**Mr. Casella:** Motion to close the public hearing.  
**Mr. McVeigh:** Second the motion  
**Vote:** All present voted aye.

**Mr. Casella:** Motion to grant both variances. This will not produce an undesirable or environmental issue. There is a nice fence there and I see no other feasible place for the pool. This is self-created but again the only place for it and it really is not that substantial.

**Mr. McVeigh:** Second the motion  
**ZBA Roll Call:** Mr. McVeigh: Aye.

Mr. DellaCorte: Aye.  
Mr. Casella: Aye.  
Mr. Prager: Aye.

Mr. Schumacher: Thank you.

**Appeal No. 09-7394**

**Angelo & Mary Ann Fabrizio**- Seeking an area variance of Section 240-37 of District Regulations in an R-40 Zoning District.

-Where **a rear yard setback of 50 feet is required**, the applicant is **proposing a rear yard setback of 47.5 feet**, to allow for the extension of Dining Room 6' X 13' and extending porch/deck 12' X 25', **thus requesting a variance of 2.5 feet.**

-Where **a side yard setback of 25 feet is required**, the applicant is **proposing a side yard setback of 14 feet**, to allow for the extension of Dining Room 6' X 13' and extending porch/deck 12' X 25', **thus requesting a variance of 11 feet.**

The property is located at **27 Kendall Drive** and is identified as **Tax Grid No. 6257-01-308512** in the Town of Wappinger.

Mr. Prager: Are the mailings in order?

Mrs. Roberti: Yes they are.

**Mr. DellaCorte: Motion to open the public hearing.**

Mr. McVeigh: Second the motion

Vote: All present voted aye.

Ms. Niemic: I represent the owners for our business. We are proposing an addition for the dining room and a deck. We need 2.5 ft. to the rear yard and 11 ft. variance to the side yard.

Mr. Prager: We did a site visit at this property as well and we can understand some of the problems with the topography there. Is there anyone in the audience with a comment? Hearing none.

**Mr. DellaCorte: Motion to close the public hearing.**

Mr. Casella: Second the motion

Vote: All present voted aye.

**Mr. McVeigh: Motion to grant both variances. This will not produce an undesirable change to the neighborhood. They are not substantial and there really is not another place for this although this is self-created.**

Mr. DellaCorte: Second the motion.

ZBA Roll Call: Mr. McVeigh: Aye.

Mr. DellaCorte: Aye.

Mr. Casella: Aye.

Mr. Prager: Aye.

Ms. Niemic: Thank you.

**Appeal No. 09-7395**

**Wanda Rosa**- Seeking an area variance of Section 240-37 of District Regulations in an R-10 Zoning District.

-Where **a rear yard setback of 25 feet is required**, the applicant is **proposing a rear yard setback of 22.7 feet**, to allow for 16' X 12" open deck, **thus requesting a variance of 2.3 feet**.

The property is located at **1 Oneida Lane** and is identified as **Tax Grid No. 6157-03-477442** in the Town of Wappinger.

Mr. Rubino: We want a deck for our enjoyment. We have woods behind us and have water problems back there so we need a dry place to sit.

Mr. Prager: Do you have a survey?

Mrs. Roberti: It's attached to the application.

Mr. McVeigh: Lay out the deck for us when we come there.

Mr. Prager: There is a stonewall in the rear. Is the shed ok?

Mrs. Lukianoff: Yes, the shed meets the setbacks.

Mr. DellaCorte: Is this in Indian Village?

Mrs. Rosa: Yes.

Mr. Prager: We will set your site visit for Saturday and your public hearing for May 12<sup>th</sup>, 2009. Please mark out the footprint of the deck.

Mrs. Rosa: Thank you.

**Appeal No. 09-7396**

**Laurie & Christian Harkins**- Seeking an area variance of Section 240-37 of District Regulations in an R-20 Zoning District.

-Where **a side yard setback of 20 feet is required**, the applicant is **proposing a side yard setback of 10 feet**, to allow for a 20' X 28' rear addition, **thus requesting a variance of 10 feet**.

The property is located at **20 Doyle Drive** and is identified as **Tax Grid No. 6257-02-839577** in the Town of Wappinger.

Mr. Harkens: We are looking for a family room addition. We live in Rockingham and our house was built on rock on a hill. If we move

this toward the middle of the house we would lose a door and the window in the kitchen as well as a poured concrete patio.

Mr. Casella: This is a unique place to put this. So you're trying to keep the patio?

Mr. Harkins: Yes. I have about 40 ft. of flat land then it slopes upward.

Mr. Horan: How close are you to your neighbor?

Mr. Harkins: About 30 ft. to the garage.

Mr. Horan: Is there a fence?

Mr. Harkins: Yes. It is 4 ft. high chain link and belongs to my neighbor.

Mr. Prager: We will schedule your site visit for Saturday and you public hearing for May 12<sup>th</sup>, 2009. Do you talk to that neighbor?

Mr. Harkins: Yes and he's ok with this. Thank you.

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Mr. Horan: Just for your information. When holding a public hearing a quorum is not necessary. You can open it and then hold it over as an adjourned public hearing.

**Mr. DellaCorte: Motion to adjourn.**

Mr. Casella: Second the motion

Vote: All present voted aye.

Meeting ended at 8:25 PM

Respectfully Submitted,

Barbara Roberti, Secretary  
Zoning Board of Appeals