

## MINUTES

**Town of Wappinger  
Zoning Board of Appeals  
May 12, 2009**

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

### Summarized Minutes

#### Members:

Mr. Prager,	Chairman
Ms. McEvoy-Riley,	Member
Mr. Casella,	Member
Mr. McVeigh,	Member

#### Member Absent:

Mr. DellaCorte,	Vice-Chairman
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#### Others Present:

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

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## SUMMARY

### Public Hearing:

Christian Harkins	-Variance Granted with condition.
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### Discussion:

Jeffrey & Nicole Rufino	-Public Hearing on May 26, 2009.
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Angel & Kathleen Avila	-Public Hearing on May 26, 2009.
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**Mr. Casella:** Motion to approve the minutes for April 28, 2009.  
**Mr. McVeigh:** Second the motion.  
**Vote:** All present voted aye.

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

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

**Ms. McEvoy-Riley:** Motion to open the public hearing.

**Mr. Casella:** Second the motion

**Vote:** All present voted aye.

**Mr. Harkins:** We are requesting a side yard variance for a 20' X 20" addition with a tail. We would like to save our patio and the kitchen window.

**Mr. Prager:** We have done a site visit at your home over the last two weeks. Is there anyone in the audience with a comment? Hearing none. I see your side yard has shrubs or trees, will they stay?

**Mr. Harkins:** The shrubs will probably come out.

**Mr. Prager:** Being in the fire department I worry if there is a big tree if you have a fire.

**Mr. Harkins:** There's drainage work there and we would like to make sure the drainage flows past the house. So we are going to try and dig a swale next to the addition to get the water from the back of the house to move past it.

**Ms. McEvoy-Riley:** That is a beautiful patio but I am concerned about the neighbor. If I lived there I would be concerned.

**Mr. Harkins:** He's here tonight and said he wasn't concerned.

Mr. Poraggio: John Poraggio, 18 Doyle Drive. We spoke about it and I don't have a problem with it. We are going to work on the drainage and he agreed to change the peak.

Mr. Horan: Whose fence is that?

Mr. Poraggio: I have the fence and the landscaping so it's no problem for me.

Mr. McVeigh: How high is the addition?

Mr. Harkins: It will be the same roof line as the existing house.

Mr. Prager: Looking at the back, can you move this another foot or so?

Mr. Harkins: Not without disturbing the patio.

Mr. Prager: It really looks a little tight and the future neighbors may have a problem with it.

Mr. Harkins: I guess we could make it 19' X 20'.

**Ms. McEvoy-Riley: Motion to close the public hearing.**

Mr. McVeigh: Second the motion

Vote: All present voted aye.

Mr. Casella: I think people would probably be more satisfied if they had the extra foot or two foot rather than this close. Can we put a condition in Jim?

Mr. Horan: Certainly. What the law says is that the minimum variance that you deem appropriate under the circumstances. The variance requested is ten foot and to that extent you can grant a 9 foot or even 8 foot variance. Also with respect to the neighbor, the parties have agreed to address the drainage issues and I think that it would be an appropriate condition on the variance as well. You would put that in as a condition in the event the owners of the property change, you would have on record that the variance is conditioned upon clearing up the drainage issue.

**Mr. Casella: I will make a motion to grant this with the exception that instead of a 10 foot variance, we grant a nine foot variance. Also a stipulation that the drainage issues between the two properties be corrected. This is not an undesirable change,**

**although it is big and close to the neighbor's property. To put this in another foot or so is not un-feasible. I don't think there is any other place to put this although it is substantial and self-created. So my motion is for a 9' variance with the condition of clearing up the drainage issues.**

Mr. McVeigh: Second the motion  
ZBA Roll Call: Mr. McVeigh: Aye.  
Ms. McEvoy-Riley: Aye.  
Mr. Casella: Aye.  
Mr. Prager: Aye.

Mr. Harkins: Thank you.

**Appeal No. 09-7397**

**Jeffrey & Nicole Rufino**- 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 20 feet**, to allow for 24' X 15' AG pool, **thus requesting a variance of 20 feet**.

The property is located at **10 Carroll Drive** and is identified as **Tax Grid No. 6257-02-923602** in the Town of Wappinger.

Mr. Rufino: I would like to install a 24' X 15' pool and I only have 20 feet in the rear after the pool. The rear of my property slopes on an angle. My property is very uneven and the only other place would be right on top of my house.

Mr. Prager: What is the reason that you can't move this to the rear of the house?

Mr. Rufino: Because the property slopes.

Mr. Prager: We will come out and do a site visit on May 16<sup>th</sup> and we'll set your public hearing for May 26<sup>th</sup>, 2009.

Mr. Rufino: I have a fence and I will drop off a copy of my survey. Thank you.

**Appeal No. 09-7398**

**Angel & Kathleen Avila**- 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 12' X 28' garage with electric, **thus requesting a variance of 10 feet**.

The property is located at **8 Wendy Road** and is identified as **Tax Grid No. 6258-01-038704** in the Town of Wappinger.

Mr. Avila: I would like to build another garage to store my show car. Because of the shape of my driveway I need the variance. If I would move it over 10 feet more it will be behind the house.

Mr. Prager: How far from the house would it be?

Mr. Avila: 10 to 12 feet from the house and I wouldn't be able to get into it.

*Discussion took place at the dais.*

Mr. Prager: We will come out for a site inspection this Saturday, May 16<sup>th</sup> and we will set your public hearing for May 26<sup>th</sup>. Mark out your property line and the area where the garage will be.

Mr. Avila: Thank you.

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

Meeting ended at 8:10 PM

Respectfully Submitted,

Barbara Roberti, Secretary  
Zoning Board of Appeals