

MINUTES

**Town of Wappinger
Zoning Board of Appeals
August 11, 2009**

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

Summarized Minutes

Members: Mr. Prager, Chairman
Mr. McVeigh, Member
Ms. McEvoy-Riley, Member

Member Absent: Mr. DellaCorte, Vice-Chairman
Mr. Casella, Member

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

SUMMARY

Public Hearing:

Spooge, Inc. –Granted with condition.

Discussion:

Robert and Mary Clarke –Public Hearing on August 25, 2009.

Appeal No. 09-7406

Spooge, Inc. - Seeking area variances of Section 240-37 of District Zoning Regulations for HB Zoning.

-Where **a side yard setback of 10 feet is required**, the applicant is **proposing a side yard setback of 5 feet**, to allow for a proposed building for a call center business, **thus requesting a variance of 5 feet**.

The property is located at **684 Old Route 9N** and is identified as **Tax Grid No. 6157-02-602780** 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. McVeigh: Second the motion

Vote: All present voted aye.

Mr. Povall: I am the engineer for the project. We have a small .25 acre parcel with a small 1,000 sf building on it which is next door to the new green building on Old Route 9. We are currently before the PB for a new building that will be twice the size as the existing one. The existing building is now only 2 feet off of the property line and the new one is proposed 5 feet off the property line. The lot is only 55 feet wide as it is a very narrow lot and we need to accommodate the parking and a driveway so we are requesting a 5 feet variance. We are not able to obtain the 10 feet that is required on this lot.

Mr. Prager: So it's a 5 ft. variance. Any questions from the board? Is there anyone in the audience with a question? Hearing none.

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

Mr. McVeigh: Second the motion

Vote: All present voted aye.

Ms. McEvoy-Riley: Motion to grant the variance. This will not cause an undesirable change to the neighborhood, I see no other feasible method to achieve this and this will not cause any adverse impact to the environment. This property is unique and this is self-created.

Mr. Horan: It would be appropriate to add the condition that if the site does not get approval from the PB then this variance does not follow the site.

Mr. McVeigh: Second the motion

ZBA Roll Call: Mr. McVeigh: Aye.

Ms. McEvoy-Riley: Aye.

Mr. Prager: Aye.

Appeal No. 09-7405

Robert & Mary Clarke- 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 4 feet**, to allow for an existing 21 ft. AG pool, **thus requesting a variance of 36 feet**. The property is located at **2 Thornacres Drive** and is identified as **Tax Grid No. 6056-03-239463** in the Town of Wappinger.

Mr. Clarke: Our pool is up in the existing place that it was when we bought the house. When we bought a new pool of 18 ft. round they came to install it and found pieces missing. Namco had no additional 18 ft. round pools in stock so they gave us a 21 ft. round pool in its place. While installing it they had to push it back a few feet to make it fit. When Mr. Rivera my neighbor moved in next door the pool was already there. My wife did call the town when this happened and the girl there said it was ok, she is no longer employed there. My neighbor didn't have a problem with the pool when he moved in. We had a fence there as well.

Mr. McVeigh: So your pool was there when the neighbor moved in?

Mr. Clarke: Yes. Actually the old fence belonged to my old neighbor and it rotted out and I took it down and cleaned up the property. Now my neighbor moves in with two dogs, a Rottweiler and a Doberman. I have a little three year old and we now have the pool and no fence to protect us from the dogs and now he's going to buy a pool. So because he has the dogs, the pool and lots of parties we decided to put a fence back up and we put it on our property. He doesn't like it and now that's what we are dealing with. Another thing with my property is that you can't get 40 feet from the back of my house because it runs long and narrow.

Mr. Prager: We will set a public hearing for August 25th and do a site visit on this Saturday, August 15th.

Mr. McVeigh: So the original pool did move then another 3 feet when the larger pool was put in?

Mr. Clarke: Yes. We never really knew where the line was. Mr. Rivera had a survey done and then said the fence was on his property.

Mr. Prager: How much of your property is past the fence according to you?

Mr. Clarke: At least one foot.

Mr. Prager: So we will measure the fence and add one foot.

Mr. Clarke: Thank you.

Meeting ended at 8:00 PM

Respectfully Submitted,

Barbara Roberti, Secretary
Zoning Board of Appeals