

MINUTES

**Town of Wappinger
Zoning Board of Appeals
August 25, 2009**

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

Summarized Minutes

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

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

SUMMARY

Public Hearing:

Robert and Mary Clarke –Adjourned Public Hearing to September 22, 2009.

Discussion:

Giancarlo & Louisa Del Treste –Public Hearing on September 8, 2009.

Stephen & Jennifer Schmidt –Public Hearing on September 8, 2009.

Scott & Robin Hartley –Public Hearing on September 8, 2009.

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. 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. Clarke: I need a variance for my pool which has always been there. We brought the house with a pool and replaced it a few years ago because it was old. When we went to install it we found parts were missing. We went back to the store and they had no more 18 ft. pools so they gave us a 21 ft. pool instead. This was almost a year before my neighbor moved in.

Mr. Prager: I understand you had a CO for the pool so I assume you are talking about an additional 1 to 2 ft. more.

Mr. Clarke: Yes so a total of 4 to 5 ft.

Mr. Prager: What was your setback before?

Mr. Clarke: It is wide enough for the lawnmower. The new neighbor did a survey and found that my fence is a few inches over the property line and then I moved it.

Mr. DellaCorte: What's going on with the neighbor?

Mr. Clarke: We had been good friends at one time. He has two dogs and because our kids are small I put the fence back up. The old one was taken down because it was in disrepair. Our problems started because I was over a few inches. I did put the fence back in the same place as the old one.

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

Mr. Rivera: Huberto Rivera, 80 Chelsea Road. I believe the problem is that the fence is on my property. I came to town for help and they couldn't help me so then I went after the pool.

Mr. Casella: The issue here is the pool and not the fence.

Mr. Prager: We went out for a site inspection for the record. Is there anyone else in the audience with a comment?

Mr. McVeigh: Mr. Rivera, was the pool there when you bought your house.

Mr. Rivera: Yes but attached to the deck.

Mr. Horan: May I see your survey?

Mr. Rivera: *Proceeded to explain survey to the board.*

Mr. Clarke: The surveyor put up pink flags and we went by those flags. We put up the fence before the survey. But then moved sections of the fence to follow the survey.

Mr. Horan: How did you come up with your measurements?

Mr. Clarke: We measured from the back of the pool to within a foot of the fence.

Mr. Rivera: If you went out and walked along the fence that's my property.

Mr. Prager: Mr. Clarke you will need a survey since he is saying that the fence is on his property. You have to show us that your fence is indeed on your property.

Mr. Clarke: So I need to hire someone now?

Mr. Prager: Yes or take down the fence. So there is not much we can do without knowing for sure where your property line is.

Mr. Horan: We need the distance from the edge of the pool to the property line.

Discussion continued regarding a survey.

Mr. DellaCorte: This variance is only for the pool. We will adjourn this for one month so you can get a survey of the line.

Ms. McEvoy-Riley: Motion to adjourn the public hearing until; September 22, 2009.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Appeal No. 09-7407

Giancarlo & Louisa Del Treste - Seeking an area variance of Section 240-37 of District Regulations in an R-15 Zoning District.

-Where **a side yard setback of 15 feet is required**, the applicant is **proposing a side yard setback of 10' 8" inches**, to allow for a 24' X 16' lower deck at ground level, **thus requesting a variance of 4' 4" inches**.

The property is located at **16 Barbara Drive** and is identified as **Tax Grid No. 6158-02-818880** in the Town of Wappinger.

Mrs. DelTreste: We had a broken patio and it would take at least an hour to clean it. We decided to build a low deck on the ground and maybe a second deck in the future. When I went for the permit I thought I only needed 10 feet on all the sides. I have grandkids that run out over my septic all the time.

Mr. Prager: This looks like it lines up with the house.

Mrs. DelTreste: Yes it does. The fence line is in my property and I have more land on the other side of the fence. When we had applied for the permit we had built the foundation then Sal came out and said we needed bolts and told my husband "good luck." My husband thought that meant go ahead and build it.

Mr. Prager: We will do a site visit on August 29, 2009 and set your public hearing for September 8th, 2009.

Appeal No. 09-7408

Stephen & Jennifer Schmidt - Seeking an area variance of Section 240-37 of District Regulations in an R-15 Zoning District.

-Where **a side yard setback of 15 feet is required**, the applicant is **proposing a side yard setback of 9 feet**, to allow for a 12' X 26' living room/family room, **thus requesting a variance of 6 feet**.

-Where **a front yard setback of 35 feet is required**, the applicant is **proposing a front yard setback of 29 feet**, to allow for a 6' X 18' covered front porch, **thus requesting a variance of 6 feet**.

The property is located at **88 Ardmore Drive** and is identified as **Tax Grid No. 6257-03-317468** in the Town of Wappinger.

- Present: Al Cappelli - Architect
- Mr. Cappelli: This is a typical split level that my client is looking to expand in order to have more room. They want to add a living room and a covered front porch.
- Ms. McEvoy-Riley: What about going deeper and narrow?
- Mr. Cappelli: *Went up to the dais to explain the plans to the ZBA.*
- Mr. Prager: We will also do a site visit on August 29, 2009 at this location and set your public hearing for September 8th, 2009.

Appeal No. 09-7409

Scott & Robin Hartley – Seeking an area variance of Section 240-37 of District Regulations in an R-40 Zoning District.

-Where **Section 240-37 allows for the keeping of horses in a residential district provided that not less than two acres are available for each animal**, the **applicant is proposing to keep a horse and a pony on 2.25 acres**, thus **requesting a variance of 1.75 acres for the additional horse**.

The property is located at **35 St. Nicholas Road** and is identified as **Tax Grid No. 6258-01-239941** in the Town of Wappinger.

- Mr. Hartley: We have a pony that belongs to my daughter for six years now. He is a 30 year old horse and we live right next door to the gun club.
- Ms. McEvoy-Riley: How did this come about?
- Mr. Hartley: I came in for a shed permit for the two horses so that they would have their own home.
- Mr. McVeigh: So you have owned the two horses for over five years?
- Mr. Hartley: Yes.
- Mr. Prager: We will do a site visit on August 29, 2009 and set your public hearing for September 8th, 2009.

Mrs. Roberti: I have a question regarding Strang and Degnan site plans in regard to the closed public hearings.

Mr. Horan: The clock has stopped until the PB decides SEQRA.

Ms. McEvoy-Riley: Motion to adjourn.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Meeting ended at 8:30 PM

Respectfully Submitted,

Barbara Roberti, Secretary
Zoning Board of Appeals