

MINUTES

**Town of Wappinger
Zoning Board of Appeals
September 8, 2009**

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

Summarized Minutes

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

Member Absent: Mr. McVeigh, Member

Others Present: Ms. Cobb, Acting Town Attorney
Mrs. Roberti, Secretary

SUMMARY

Public Hearing:

Giancarlo & Louisa Del Treste –Variance granted.

Stephen & Jennifer Schmidt –Granted two variances.

Scott & Robin Hartley –Variance granted with a condition.

Discussion:

Kevin & Chris Gallagher –Public Hearing on September 22, 2009.

Mr. Casella: **Motion to approve the minutes for July 28, 2009.**
Ms. McEvoy-Riley: Second the motion.
Vote: All present voted aye.

Mr. Casella: **Motion to approve the minutes for August 11, 2009.**
Ms. McEvoy-Riley: 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.

Mr. Prager: Are the mailings in order?

Mrs. Roberti: Yes they are.

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

Mr. DellaCorte: Second the motion
Vote: All present voted aye.

Mrs. Del Treste: We need 15 ft. to the side in order for us to keep our new deck that is low to the ground. I couldn't move it because our septic is on the other side.

Mr. Prager: We did a site visit and the deck is very well made. Is there anyone in the audience with a question or comment? Hearing none.

Mr. Casella: Motion to close the public hearing.

Ms. McEvoy-Riley: Second the motion
Vote: All present voted aye.

Mr. Casella: **Motion to grant the variance. This will not produce an undesirable change to the neighborhood. The variance is not substantial and is self-created. It will not produce an adverse change to the environment and there might be another feasible method but it is already there.**

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

Mrs. Del Treste: Thank you.

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. 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. Cappelli: We showed you drawings at the last meeting. We had three versions but found the one submitted to be the best one and also the version that required the smallest variance. Explained the addition for the public.

Mr. Prager: On the east side it is grown up well with brush and woods. Is there anyone in the audience with a question or comment? Hearing none.

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

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Ms. McEvoy-Riley: Motion to grant the two variances. This will not cause an undesirable affect or adverse environmental hardship on the neighborhood. This will be an improvement and it is self-created.

Mr. DellaCorte: Second the motion

ZBA Roll Call: Ms. McEvoy-Riley: Aye.

Mr. DellaCorte: Aye.

Mr. Casella: Aye.

Mr. Prager: Aye.

Mr. Cappelli: Thank you.

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. Prager: Are the mailings in order?

Mrs. Roberti: Yes they are.

Mr. DellaCorte: Motion to open the public hearing.

Ms. McEvoy-Riley: Second the motion

Vote: All present voted aye.

Mr. Hartley: I applied for a permit for a horse shed. We have a horse and a pony and we need a variance because we do not have enough land.

Mr. Prager: How old is the pony?

Mr. Hartley: Around 27 or 28 years old.

Ms. McEvoy-Riley: Can we put a condition on this that if the horse or pony dies it cannot be replaced?

Ms. Cobb: Yes but tie it to the land.

Discussion took place regarding the condition.

Mr. Casella: Motion to close the public hearing.

Ms. McEvoy-Riley: Second the motion

Vote: All present voted aye.

Ms. McEvoy-Riley: Motion to grant the variance. This will not cause an adverse environmental condition nor a change to the character of the neighborhood. This is not substantial but is self created. We place the condition that if one of the animals passes away that this property reverts back to 2 acre zoning for each farm animal.

Mr. DellaCorte: Second the motion

ZBA Roll Call: Ms. McEvoy-Riley: Aye.

Mr. DellaCorte: Aye.

Mr. Casella: Aye.

Mr. Prager: Aye.

Appeal No. 09-7410

Kevin & Chris Gallagher - Seeking an area variance of Section 240-37 of District Regulations in an R-40 Zoning District.

-Where **a side yard setback of 75 feet is required**, the applicant is **proposing a side yard setback of 55 feet**, to allow for a proposed addition, **thus requesting a variance of 20 feet**. The property is located at **1 Taryl Court** and is identified as **Tax Grid No. 6358-01-058523** in the Town of Wappinger.

Present: Al Cappelli - Architect

Mr. Cappelli: This is on the corner of Myers Corners Road and Taryl Court. There is a deck that takes up almost the entire area where the addition will be. Mrs. Gallagher's mother has cancer and will be coming to live with them.

Mr. Casella: Will you be taking down the deck?

Mr. Cappelli: Yes and then adding one back.

Mr. Cappelli went up to the dais to explain the addition to the board.

Mr. Prager: Please have Tania investigate when 75 ft. on the county road became effective. We will set September 12th for your site visit and your public hearing will be September 22, 2009.

Ms. McEvoy-Riley: Motion to adjourn.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Meeting ended at 8:10 PM

Respectfully Submitted,

Barbara Roberti, Secretary
Zoning Board of Appeals