

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.

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

Mr. Casella: Second the motion

Vote: All present voted aye.

Mr. Prager: At the last meeting there was some question as to the property line.

Mrs. Clarke: Yes. We were told that we had 28 inches to the property from the pool. That is what the surveyor said.

Mr. Prager: So you have your fence back up and I noticed the fence is very close to the pool, so you obviously put it on your property. What do you think the distance is between the fence and the pool?

Mrs. Clarke: I honestly don't know.

Mr. DellaCorte: I did a site visit also and I concur that it is about 28 inches.

Mr. Casella: I went yesterday and I think it is about one foot or so from the fence to the pool so I also concur.

Mr. Prager: Your husband stated that this pool was put in approximately 2007 and it replaced another pool. (Correct) What happened with the other pool.

Mrs. Clarke: When we bought the house with the pool we found it damaged. We didn't know it because it was winter.

Mr. Prager: I believe the other pool was a little bit smaller?

Mrs. Clarke: Yes. It was 18 ft. round and this one is 21 ft. round.

Mr. Prager: Was the pool put back in the exact spot as the old pool?

Mrs. Clarke: Not in the exact spot. It is further from the house. The installer said it needed to be moved back because of something underneath that made the other pool leak. We purchased the new pool from Namco and the installer came from Peekskill. We order the original new pool and parts were missing the day of the installation. We needed to get another pool right away. Namco gave us a 21 ft. because they had no 18 ft. pools in stock.

Mr. Prager: Do you have any paperwork that states that. Did they give you anything?

- Mrs. Clarke: The pool installer wasn't related to any pool company. I have a bill from Namco for the 21 AG pool.
- Mr. McVeigh: We are trying to clarify this for the record. The bill should say you purchased an 18 ft. pool originally.
- Mrs. Clarke: The original pool was not from there. We purchased the 18 ft. pool from somewhere else in the winter. When we went to open it the parts were missing so then we had to run and buy a new one from scratch. Namco had only 21 ft. pools in stock.
- Mr. Prager: Is there anyone in the audience with a question? Hearing none for the record.
- Mr. Horan: Did the first pool have a variance?
- Mrs. Roberti: No.
- Mr. Prager: So primarily it looks like we are going an additional foot and half closer to the property line. Correct?
- Mrs. Clarke: Yes.
- Mr. DellaCorte: I saw that the fence has the nice side facing you. I think it should be turned toward you're neighbor.
- Ms. McEvoy-Riley: So you're saying should we grant this then the fence should be a condition?
- Mr. DellaCorte: Yes.
- Mrs. Clarke: The finished side was facing us when we purchased the house so when we replaced it we replaced it with the same face and in the same way. We didn't do this to insult anybody.
- Mr. Casella: My only question is, the pool was an 18 ft., you replaced it with an 18 ft. then the installer came and the only thing available was a 21 ft. If you had told me that you went for the 18 ft., and got only the 21 ft. then you really could have gone somewhere else for the pool in an 18 ft. size.
- Mrs. Clarke: But we had the installer standing in our backyard waiting.
- Mr. Casella: But it also changes the variances. It was the same size pool in the same place this would have been very easy to grant. Now we are talking about a bigger pool and now it creates a different problem.
- Mr. McVeigh: Your pool was installed in 2007 so why did this take 2 years to come up?
- Mrs. Clarke: The fence being put up. Mr. Rivera complained because we put the fence up with the nice side facing us.

Mr. Rivera: H. Rivera, 80 Chelsea Road

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

Mr. Casella: Second the motion

Vote: All present voted aye.

Mr. McVeigh: I make a motion to grant eh variance.

Ms. McEvoy-Riley: Second the motion

ZBA Roll Call: Mr. McVeigh: Aye.

Ms. McEvoy-Riley: Aye.

Mr. DellaCorte: Aye.

Mr. Casella: Nay.

Mr. Prager: Nay.

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.

Mr. Prager: Are the mailings in order?

Mrs. Roberti: Yes they are.

Appeal No. 09-7411

Cheryl Hait - Seeking an area variance of Section 240-37 of District Regulations in an R-40/80 Zoning District.

-Where **a rear yard setback of 50 feet is required**, the applicant is **proposing a rear yard setback of 4.3 feet**, to allow for a 14' X 23' family room addition, **thus requesting a variance of 45.7 feet**.

-Where **a side yard setback of 40 feet is required**, the applicant is **proposing a side yard setback of 9.2 feet**, to allow for a 14' X 23' family room addition, **thus requesting a variance of 30.8 feet**.

The property is located at **15 Hamilton Road** and is identified as **Tax Grid No. 6057-02-973912** in the Town of Wappinger.

Ms. McEvoy-Riley: Motion to adjourn.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Meeting ended at 8:35 PM

Respectfully Submitted,

Barbara Roberti, Secretary
Zoning Board of Appeals