

Mr. Casella: **Motion to approve the minutes for October 27, 2009.**
Ms. McEvoy-Riley: Second the motion.
Vote: All present voted aye.

Mr. Casella: **Motion to approve the minutes for November 10, 2009.**
Ms. McEvoy-Riley: Second the motion.
Vote: All present voted aye.

Mr. Casella: **Motion to approve the minutes for November 24, 2009.**
Ms. McEvoy-Riley: Second the motion.
Vote: All present voted aye.

Appeal No. 09-7412

Wendy Smart - Seeking an area variance of Section 240-37 of District Regulations in an R-80 Zoning District.

-Where **a side yard setback of 40 feet is required**, the applicant is **proposing a side yard setback of 4 feet**, to allow for an existing pavilion, **thus requesting a variance of 36 feet.**

The property is located at **191 River Road** and is identified as **Tax Grid No. 6056-01-241913** 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.**
Mr. Casella: Second the motion
Vote: All present voted aye.

Mr. Smart: We reside at 2780 Route 9D but we own 191 River Road. We are trying to bring our property into compliance and we need a variance for the pavilion which has been there for over 20 years.

Mr. Prager: We did a site visit a week ago out there.

Mr. DellaCorte: Is that the DEP on the other side of your fence?

Mr. Smart: Yes. It is called Shaft 6 and they are doing a major construction job there. The fence is theirs.

Mr. DellaCorte: Barbara was the DEP notified of this variance application?

Mrs. Roberti: Yes they were.

Mr. McVeigh: They also drive onto the DEP property for part of their driveway with a lease agreement. The fence is very high and the river is on the other side so there are no other residents near the pavilion.

Mr. Prager: Is there anyone in the audience with a comment? Hearing none.

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

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Mr. McVeigh: Motion to grant the variance. This will not produce an undesirable change to the neighborhood and you can't see it from other properties. There will be no detrimental or environmental change and it is substantial and self-created.

Ms. McEvoy-Riley: Second the motion

ZBA Roll Call: Mr. McVeigh: Aye.

Ms. McEvoy-Riley: Aye.

Mr. DellaCorte: Aye.

Mr. Casella: Abstained.

Mr. Prager: Aye.

Mr. Prager: Is the fence going to come down at some point?

Mr. Smart: The first phase is for five years but then there is another phase scheduled. The project engineer feels this will be at least another ten to fifteen year project.

Appeal No. 09-7413-

Robert & Christine Taylor -Seeking an area variance of Section 240-37 of District Zoning Regulations for R-20 Zoning.

-Where **a rear yard setback of 40 feet is required**, the applicant is **proposing a rear yard setback of 13 feet**, to allow for an existing 24 ft. above ground pool, **thus requesting a variance of 27 feet.**

The property is located at **20 Daisy Lane** and is identified as **Tax Grid No. 6158-02-882913** 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. Taylor: I am asking for a variance for our pool because I don't have 40 ft. in the rear. We put up our pool 2 or 3 years ago and we don't have enough room. The pool was installed without a permit but we filed the next week and we were denied and then time just went by.

Mr. Prager: Who installed the pool?

Mr. Taylor: I'm not sure now.

Mr. Prager: The board has done a site visit.

Mr. Casella: Why did you wait three years to legalize this?

Mr. Taylor: I just didn't have the money.

Mr. McVeigh: All his property borders the Airport property.

Mr. DellaCorte: I'm unclear of the time line here.

Mr. Taylor: When the first permit expired we didn't file again until this year.

Mr. DellaCorte: You really don't have much property back there. I don't have a problem with this.

Ms> McEvoy-Riley: I have no issues.

Mr. Casella: Did you talk to your neighbors about this?

Mr. Taylor: They all have pools themselves.

Mr. Prager: Is there anyone in the audience with a comment? Hearing none.

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

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Mr. DellaCorte: **Motion to grant the variance. This cannot be achieved by other means. This will not cause any detriment to nearby properties and any environmental affects. It is self-created and substantial.**

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

Mr. Taylor: Thank you.

Mr. Prager: Read e-mail into the record from Chris Colsey

TO: *Howard Prager, ZBA Chair*

As you know, there are costs associated with the Zoning Board of Appeals process to include the time of the attorney in attendance and public hearing notices, not to include the stipend for the Board and the administrative support.

In an effort to minimize the expense to the taxpayer at large, it is requested that your Board determine the appropriateness of either establishing an escrow account for each Applicant to cover the professional fees and advertising costs, or supporting an increase to the application fee commensurate with the expenses.

Again, the purpose of this proposal is to ensure the costs associated with a site specific variance are assumed by the Applicant(s) gaining the benefit, not the taxpayer at large.

Discussion took place as to whether or not an attorney need be present at every meeting or just on an as need basis. Years ago an attorney only came to a meeting when needed.

Recommendation from the ZBA: There should be a small increase on residential variances and a much larger increase on commercial variances. An attorney is not needed for each meeting but should be available to the board when necessary. Escrow can be taken on a case by case basis. Two meetings a month should remain. All members were in agreement and a letter should be sent to the town board with these comments.

Mr. Prager: We have asked that a letter go to the town board in favor of Jennifer being re-appointed.

Mrs. Roberti: That letter was sent to the town board on November 30, 2009.

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

Meeting ended at 8:05 PM

Respectfully Submitted,

Barbara Roberti, Secretary
Zoning Board of Appeals