

MINUTES

**Town of Wappinger
Zoning Board of Appeals
May 24, 2011**

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

Summarized Minutes

Members:

Mr. Prager,	Chairman
Mr. DellaCorte,	Member
Mr. VanTine,	Member
Mr. Casella,	Member
Mr. Kuzmicz,	Member

Absent:

Others Present:

Mr. Horan,	Attorney
Mrs. Roberti,	Zoning Administrator
Mrs. Dao,	Secretary

SUMMARY

Kevin Gibson:

- Public Hearing closed. Decision.

Manuel & Irene Juanilla:

- Public Hearing closed. Decision.

Sergio Lopez:

- Discussion – PH set June 14, 2011

Public Hearing:

Appeal No. 11-7436 - At the request of **Kevin Gibson** who is seeking area variances of Section 240-37 of District Zoning Regulations for R-40 Zoning.

-Where **the code states...in no case shall Accessory Structures be permitted in the front yard** the applicant requests a variance for a **shed in the front yard in the size of 12'X 16' feet.**

The property is located at **20 Spring Street** and is identified as **Tax Grid No. 5956-04-970470** in the Town of Wappinger.

Mr. Prager: Are all the mailings in order?

Mrs. Dao: Yes they are.

Mr. Casella: **Motion to open the public hearing.**

Mr. DellaCorte: Second the motion.

Vote: All present voted aye.

Mr. Prager: We all went out to do a site inspection. Please explain why you are here.

Mr. Gibson: I want to build a 12' X 16' shed off my driveway. My driveway approaches my house from the side. I need a variance.

Mr. Prager: At our last meeting I asked why you couldn't put the shed in the back but now after a site inspection I understand why you want to put it there. Are there any questions? Let the records show there is no one to speak for or against it.

Mr. Horan: Mike Kuzmicz is now present.

Mr. Kuzmicz: **Motion to close the public hearing.**

Mr. Casella: 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. It's not unique to other properties. The request is not substantial. It does not have an adverse impact to the physical environment. I make a motion to grant this variance.**

Mr. Kuzmicz: Second the motion.

ZBA Roll Call: Mr. Casella: Aye.

Mr. Kuzmicz: Aye.

Mr. Prager: Aye.

Mr. DellaCorte: Aye.

Mr. VanTine: Aye.

Mr. Prager: The front driveway is long. It would be hard to snowplow. Due to the driveway condition I grant the variance.

Mr. Gibson: Thank you.

Appeal No. 11-7437 – At the request of **Manuel & Irene Juanilla** who is Seeking a variance of Section 240-37 of District Zoning Regulations for R-20 Zoning District.

-Where **the side yard, also considered a front yard setback of 75 feet is required from a county or state road**, the applicant is **proposing a front yard setback of 40 feet**, to allow for the construction of a 21 foot above ground pool, **thus requesting a variance of 35 feet**. The property is located at **2 Henry Drive**, and is identified as **Tax Grid No. 6157-02-832939** in the Town of Wappinger.

Mr. Prager: Are all the mailings in order?

Mrs. Dao: Yes they are.

Mr. Casella: **Motion to open the public hearing.**

Mr. DellaCorte: Second the motion.

Vote: All present voted aye.

Mr. Juanilla: We want to put a pool on our property and therefore need a variance.

Mr. Prager: Did everyone go out to do a site visit? I don't think it will be any closer to the road than the house is.

Mr. Casella: It is the best available place to put the pool.

Mr. Kuzmicz: I concur with everything that was said. Let the record reflect there is no one in the audience to speak for or against this.

Mr. Casella: **Motion to close the public hearing.**

Mr. Kuzmicz: Second the motion.

Vote: All present voted aye.

Mr. VanTine: **Motion to grant the variance. It can't be achieved any other way. This will not produce an undesirable change to the neighborhood. It's not unique to other properties. The request is not substantial. It does not have an adverse impact to the physical environment. The difficulty is self created.**

Mr. Kuzmicz: Second the motion.

Vote: All present voted aye.

Discussions:

Appeal No. 11-7439

Sergio Lopez: Seeking a variance of Section 240-37 of District Zoning Regulations for R-20 Zoning District.

-Where **a rear yard setback of 40 feet is required**, the applicant is **proposing a rear yard setback of 33 feet**, to allow for the construction of a 24' above ground pool, **thus requesting a variance of 7 feet**.

The property is located at **34 Martin Drive** and is identified as **Tax Grid No. 6258-02-963888** in the Town of Wappinger.

Mr. Casella: I am his neighbor for the record. I live on Sabra Lane and no way will it affect my opinion.

Mr. Prager: Thank you for bringing that to our attention. Mr. Lopez please explain why you are here.

Mr. Lopez: I bought a pool at the end of the season. It was a floor model and I got a great deal. \$1,800. I hired Rocha Pool to install and was told I only needed 25' from the rear property line. In 1975 there was a pool in the same spot.

Mr. Kuzmicz: Let's set up a site visit.

Mr. Prager: Site visit on May 28, 2011. Public hearing scheduled for June 14, 2011. Mrs. Dao, please send a letter to Rocha Pool letting him know the setback requirements.

Mr. Lopez: Thank you.

Appeal No. 11-7440

Jennifer McEvoy-Riley: Seeking a variance of Section 240-37 of District Zoning Regulations for R-20 Zoning District.

-Where **a side yard setback of 20 feet is required**, the applicant is **proposing a side yard setback of 4 feet**, to allow for the construction of a 15' x 30' above ground pool, **thus requesting a variance of 16 feet**.

The property is located at **17 Bowdoin Lane** and is identified as **Tax Grid No. 6057-02-801553** in the Town of Wappinger.

Mr. Prager: Please explain why you are here.

Ms. McEvoy-Riley: I have two septic tanks and power lines. Central Hudson owns the middle of the yard. Out of 106' they own 100'. The side yard is the only place to put the pool.

(Discussion at the dais showing map)

Mr. Prager: There will be a site inspection on May 28, 2011 at 9:30am.

Mr. Casella: Are there any dogs?

Ms. McEvoy-Riley: No dogs. Thank you.

Mr. Prager: A Public hearing is scheduled for June 14, 2011.

Mr. Prager: Motion to go into executive session for legal advice.

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

Mr. Prager: Motion to come out of executive session.
Mr. Kuzmicz: Second the motion.
Vote: All present voted aye.

Interpretation:

Appeal No. 11-7438

228 Myers Corners Road, LLC - Seeking an Interpretation of Section 240-16: Nonconforming uses and structures, Town of Wappinger Zoning Code as to the use of the 6.27 acres of property, 3.5 acres are in the NB Zone, and 2.77 acres are in the R-40 Zone. The property is located **228 Myers Corners Road** and is identified as **Tax Grid No. 6258-02-702520** in the Town of Wappinger.

Mr. Prager: We are asking 228 Myers Corners LLC to provide an escrow of \$3,000 and provide a site plan with the building usage. We need a letter to come to the June 14, 2011 meeting. Mr. Horan please give us the information early before the meeting for direction.

Mr. VanTine: **Motion to adjourn.**
Mr. Prager: Second the motion.

Meeting ended at 9:00 PM

Respectfully Submitted,

Susan Dao, Secretary
Zoning Board of Appeals