

Draft

MINUTES

**Town of Wappinger
Zoning Board of Appeals
July 26, 2011**

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

Summarized Minutes

Members:

Mr. Prager,	Chairman
Mr. Casella,	Member
Mr. Kuzmich,	Member
Mr. VanTine,	Member

Absent

Mr. Dellacorte,	Member
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Others Present:

Mrs. Roberti,	Zoning Administrator
Mrs. Dao,	Secretary

SUMMARY

Tasha Cucinelli:

- Public Hearing closed. Decision.

Kurien Oommen:

- Public Hearing closed. Decision.

Linda Hall:

- Public Hearing closed. Decision.

Public Hearing:

Appeal No. 11-7444 At the request of **Tasha Cucinelli** who is 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 23 feet 8 inches**, to allow for the construction of a 15' X 24' above ground pool, **thus requesting a variance of 16 feet 4 inches**.

and

-Where **a side yard setback of 20 feet is required**, the applicant is **proposing a side yard setback of 18 feet**, to allow for the construction of a 15' X 24' above ground pool, **thus requesting a variance of 2 feet**.

The property is located at **10 Suchich Place** and is identified as **Tax Grid No. 6157-02-870538** in the Town of Wappinger.

Mr. Prager: Are all the mailings in order?

Mrs. Dao: Yes they are.

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

Mr. VanTine: Second the motion.

Vote: All present voted aye.

Mr. Prager: Please explain why you are here.

Ms. Cucinelli: I only have one place to put the pool in my yard. I need a variance.

Mr. Prager: Are there any questions?

Mr. Kuzmicz: Is the shed removed?

Ms. Cucinelli: Yes it is down.

Mr. Prager: Is there anyone in the audience that has any questions?

Mr. Baskin: My name is Carl Baskin. I live at 13 Losee Road. My house is behind the pool and the noise will greatly impact my property value. There is also the possibility of having a deck. It would be 13 feet from my property line if a deck was there.

Mrs. Roberti: A building permit would be required. If the deck is less than 200 square feet it only needs to be 10 feet from the property line.

Ms. Cucinelli: I can't imagine kids making more noise in a pool 23.8 feet away as they do at his property line. I have 2 small children and they play at the edge of the property line. I can't move the pool. It is already 5 feet from my house deck and the septic tank is to the side. Originally the plans for the pool were farther back.

Mr. Prager: Are the any more questions? There are no more questions.

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

Mr. Kuzmicz: Second the motion.

Vote: All present voted aye.

Mr. VanTine: **Motion to grant the variance. This will not produce an undesirable change to the neighborhood. It's not unique to the area. It will not be an adverse impact to the physical environment. I don't see any other feasible methods. I make a motion to grant this variance.**

Mr. Kuzmicz: Second the motion

ZBA Roll Call: Mr. VanTine: Aye.

Mr. Kuzmicz: Aye.

Mr. Casella: Aye.

Mr. Prager: Aye.

Appeal No. 11-7445 At the request of **Kurien Oommen** who is 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 15 feet 6 inches**, to allow for the construction of a 12'8" X 15'11" sunroom, **thus requesting a variance of 4 feet 6 inches**.

The property is located at **46 Robert Lane** and is identified as **Tax Grid No. 6158-04-913165** in the Town of Wappinger.

Mr. Prager: Are all the mailings in order?

Mrs. Dao: Yes they are.

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

Mr. Casella: Second the motion.

Vote: All present voted aye.

Mr. Prager: Please explain why you are here.

Mr. Oommen: I have a screened in porch and want to replace it with a sunroom with windows.

Mr. Kuzmicz: You are improving what is already there.

Mrs. Roberti: The previous owner made the setback mistake. This is to correct the issue.

Mr. Prager: Is there any questions or anyone in the audience who wants to speak for or against this appeal? Seeing nobody has any questions, I'll ask for a motion to close the public hearing?

Mr. VanTine: **Motion to close the public hearing.**
Mr. Kuzmicz: Second the motion.
Vote: All present voted aye.

Mr. Kuzmicz: **Motion to grant the variance. We did view it. This will not produce an undesirable change to the neighborhood. It's not unique to the area. It will not be an adverse impact to the physical environment. It wasn't self created. It was created by a prior owner. I don't see any other feasible methods. I make a motion to grant this variance.**

Mr. Mr. Casella: Second the motion
ZBA Roll Call: Mr. VanTine: Aye.
Mr. Kuzmicz: Aye.
Mr. Casella: Aye.
Mr. Prager: Aye.

Appeal No. 11-7446 At the request of **Linda Hall** who is seeking a variance of Section 240-37 of District Zoning Regulations for R-20/40 Zoning District.

-Where **a front yard setback of 50 feet is required**, the applicant is **proposing a front yard setback of 38 feet**, to allow for the construction of a 10' X 10' front deck, **thus requesting a variance of 12 feet.**

The property is located at **143 Curry Road** and is identified as **Tax Grid No. 6157-01-460625** in the Town of Wappinger.

Mr. Prager: Are all the mailings in order?

Mrs. Dao: Yes they are.

Mr. Kuzmicz: **Motion to open the public hearing.**
Mr. Casella: Second the motion.
Vote: All present voted aye.

Mr. Prager: Please explain why you are here.

Ms. Hall: I want to replace the front access to the house due to it being unsafe.

Mr. Casella: You want to put up a porch because the exit door is up high on the second floor.

Ms. Hall: Yes that is correct.

Mrs. Roberti: Ms. Hall did bring in a new survey but now the numbers given do not meet. Originally she thought she had 38 feet, according to the survey she has 29.7 feet to the deck that she can provide.

Mr. Prager: She would need a 21 foot variance. We can modify the setback request. Is there any questions? Let the record show there is no one in

the audience to ask if they are for or against the variance. Do I have a motion to close the public hearing?

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

Mr. Kuzmicz: Second the motion.

Vote: All present voted aye.

Mr. Casella: **Motion to grant the variance. It can't be achieved by any other means. This will not produce an undesirable change to the neighborhood. It is a significant improvement. It is self created but you need it for a second exit. It's not unique to the area. It will not be an adverse impact to the physical environment. I make a motion to grant this variance.**

Mr. Mr. Kuzmicz: Second the motion

ZBA Roll Call: Mr. VanTine: Aye.

Mr. Kuzmicz: Aye.

Mr. Casella: Aye.

Mr. Prager: Aye.

Mr. Prager: Just to clarify, the variance is granted for 21 feet.

Ms. Hall: Thank you.

Mr. Kuzmicz: **Motion to adjourn.**

Mr. Casella: Second the motion.

Meeting ended at 8:00 PM

Respectfully Submitted,

Susan Dao, Secretary
Zoning Board of Appeals