

MINUTES

**Town of Wappinger
Zoning Board of Appeals
April 9, 2013**

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

Summarized Minutes

Members:

Mr. Prager	Chairman
Mr. Della Corte	Member-Absent
Mr. Casella	Member-Absent
Mr. Johnston	Member
Mr. Galotti	Member

Others Present:

Mrs. Barbara Roberti	Zoning Administrator
Ms. Sue Rose	Secretary

SUMMARY

Richard & Laurie Harlin	Variance Granted
Laura Burns	Variance Granted
Katherine Gallagher & Kerry Gallman	Site Visit & Public Hearing

Mr. Prager: I would like to call the Town of Wappinger Zoning Board of Appeals to order. Roll call please.

Ms. Rose: Howard Prager-----Here
Tom Della Corte-----Absent
Al Casella-----Absent
Bob Johnston-----Here
Peter Galotti-----Here

Mr. Prager: Next on the agenda is a Public Hearing on:

Appeal No. 13-7485

Laura Burns-Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-20 Zoning District.

-Where **40 feet to the rear yard is required for an existing 15 x 32 oval above ground pool**, the applicant **can only provide 39 feet**, thus requesting a **1 foot rear yard variance**.

The property is located at **30 Easter Road** and is identified by **Tax Grid No. 6056-01-216765**.

Mr. Prager: Sue are all the mailings in order?

Ms. Rose: Yes sir.

Mr. Prager: Can I have a motion to open the Public Hearing?

Mr. Galotti: I make a motion to open the Public Hearing.

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: For the record, please state your names.

Mr. Buggs: I am Lemonte Buggs and this is Laura Burns. I took measurements of the pool and my measurements are off.

- Mr. Prager: When we went out there, we had that feeling.
- Mr. Buggs: The measurement from the small porch in the back that was 74 feet and the measurement from the pool back is 36 feet.
- Mrs. Roberti: Which measurement is off?
- Mr. Buggs: (Pointing to the map) the rear measurement should be 36 not 39.
- Mr. Prager: So you need a 4 foot rear yard variance.
- Mr. Prager: Does anyone have any questions?
- Mr. Galotti: The only question I had was the measurement and that has been corrected.
- Mr. Prager: Is there anyone in the audience for or against this variance?
- Mr. Prager: Showing none, do I have a motion to close the Public Hearing?
- Mr. Johnston: I make a motion to close the Public Hearing.**
- Mr. Galotti: Second.**
- Mr. Prager: All in favor?**
- Board: Aye.**
- Mr. Prager: Can I have a motion to grant or deny this variance.
- Mr. Johnston: I make a motion to grant this variance. It is not an undesirable change to the neighborhood. The variance is not substantial. It will not cause any environmental changes to the neighborhood.**
- Mr. Galotti: Second.**
- Mr. Prager: Roll call vote.**
- Ms. Rose: Peter Galotti Aye
Bob Johnston Aye
Howard Prager Aye**

Mr. Buggs: Thank you.

Mr. Prager: The next Public Hearing is:

Appeal No. 13-7486

Richard & Laurie Harlin-Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-40 Zoning District.

-Where **25 feet to the side yard is required for the construction of a 20 foot x 16 foot open deck**, the applicant **can only provide 23 feet**, thus requesting a **2 foot side yard variance**.

The property is located at **4 Nicole Drive** and is identified by Tax Grid No. **6257-03-376405**.

Mr. Prager: Sue, are all the mailings in order?

Ms. Rose: Yes sir.

Mr. Prager: Do I have a motion to open the Public Hearing?

Mr. Johnston: I make a motion to open the Public Hearing.

Mr. Galotti: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: Please state your name for the record.

Ms. Niemiec: My name is Lisa Niemiec and I am with My Way Home Improvements. We would like to construct a 20 x 16 foot open deck. There is no existing deck there now. We need a 2 foot variance off the left side because the code requires 25 feet and we can only provide 23 feet.

Mr. Prager: When we did our site inspection we did notice there was no deck. It was marked out clearly.

Mr. Prager: Is there anyone in the audience that would like to speak for or against this variance.

Mr. Pagan: My name is Albert Pagan and I am a neighbor of the Harlin's. We live at 6 Nicole Drive. We are not disapproving the job; we just

wanted to get a better understanding of the process. We are new to the community and we wanted to come in and learn about the zoning process.

Mr. Prager: What they want to do is build a deck on the back of their house. Are you familiar with the back of their house?

Mr. Pagan: Yes.

Mr. Prager: It will be on the second story and will have sliding glass doors. When the house was built, it is closer to the line then it should have been. When they build this deck, they are not going out any further then their house. They will not be going any closer to your house. As time changed, zoning has changed. They have plenty of room in the back. It is the way the house was built originally.

Mr. Pagan: The lines are turning in.

Mr. Prager: Yes.

Mr. Pagan: Thank you.

Mr. Prager: You are always welcomed to come to the meetings.

Mr. Prager: Is there anyone else?

Mr. Prager: Do I have a motion to close the Public Hearing?

Mr. Johnston: I make a motion to close the Public Hearing.

Mr. Galotti: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: Can I have a motion to grant or deny this variance?

Mr. Galotti: I will make a motion to grant the variance. The benefit cannot be achieved any other way. It does not produce an undesirable change in the neighborhood. The request is not substantial and has no adverse effect on the neighborhood.

Mr. Johnston: Second.

Mr. Prager: Roll call vote.

Ms. Rose:	Peter Galotti	Yes
	Bob Johnston	Yes
	Howard Prager	Yes

Mr. Prager: The next item on the agenda is a :

Discussion:

Appeal No. 13-7487

Katherine Gallagher & Kerry Gallman-Is seeking an area variance of Section 240-37 of Zoning Regulations in an R-20 Zoning District.

-Where a **40 foot rear yard setback** is required for the installation of an above ground pool and deck, the applicant can only provide **13 feet 6 inches**, thus requesting a **26 foot 4 inch rear yard setback**.

-Where a **20 foot side yard setback** is required for the installation of an above ground pool and deck, the applicant can only provide **12 feet**, thus requesting an **8 foot side yard setback**.

The property is located at **6 Steinhaus Lane** and is identified by Tax Grid No. **6057-02-756511**.

Ms. Gallman: My name is Kerry Gallman. The property is an L shape piece of land. The house is further back on the L to accommodate the septic in the front. (Pointing to the map) to the right of the house; that is a fence line. This space back here is useless space. The deck comes off the corner there. What we are looking to do is use unusable space and make it usable space. We would like to come out 12 feet. If 12 feet is too much we could push that back and make the deck come out to the pool. It would be a longer deck than wide. The pool itself will be towards the corner of the property. We are trying to keep all the usable space as possible.

Mr. Prager: Your drawing explains it very well.

Ms. Gallman: Thank you.

Mr. Prager: This is all in the back of the house?

Ms. Gallman: Yes.

Mr. Prager: We will make an appointment for a site visit this Saturday. I would ask you to mark out where the pool and deck are going to go. The Public Hearing will be held at the next meeting.

Ms. Gallman: Thank you.

Mr. Prager: Can I have a motion to close this meeting.

Mr. Johnston: I make a motion to close this meeting.

Mr. Galotti: Second.

Respectfully Submitted,

Susan Rose, Secretary
Zoning Board of Appeals