

MINUTES

**Town of Wappinger
Zoning Board of Appeals
February 25, 2014**

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

Summarized Minutes

Members:

Mr. Prager	Chairman-Absent
Mr. Rexhouse	Member
Mr. Casella	Member-Acting Chairman
Mr. Johnston	Member
Mr. Galotti	Member-Absent

Others Present:

Mrs. Barbara Roberti	Zoning Administrator
Ms. Sue Rose	Secretary
Mr. Jim Horan	Attorney

SUMMARY

Aaron Kellner & Krystal Campbell

Adjourned until March 11th

Antonella & Gennaro Mauro

Public Hearing March 11th

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

Ms. Rose: Howard Prager-----Absent
Brian Rexhouse- --Here
Al Casella-----Here
Bob Johnston-----Here
Peter Galotti-----Absent

Mr. Casella: The next item on tonight's agenda is an Adjourned Public Hearing on:

Appeal No. 13-7504

Aaron Kellner & Krystal Campbell - Is seeking an area variance of Section 240-20(A) of the Town of Wappinger Zoning Regulation and 280-a of Town Law in an R-20 Zoning District.

-The applicant (Kellner) proposes to access his lot over an easement which has been created over the **1.48 acre** Campbell lot, two other lots on Easter Road would also gain access over the Campbell property with the granting of this variance. The properties are located at **76 & 80 Easter Road (Kellner) 54 & 62 Easter Road & 14 Circle Drive (Campbell)** and are identified by **Tax Grid Nos. 6056-01-294696/326668 (Kellner) & 6056-01-259729/276713/259750 (Campbell)** in the Town of Wappinger.

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

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

Mr. Rexhouse: Second.

Mr. Casella: All in favor?

Board: Aye.

Mr. Casella: Can I have a motion to adjourn this application to a date certain?

Mr. Johnston: I make a motion to adjourn this application to March 11th.

Mr. Rexhouse: Second.

Mr. Casella: All in favor?

Board: Aye.

Mr. Casella: The next item on the agenda is:

Appeal No. 14-7516

Antonella & Gennaro Mauro Is seeking an area variance of 240-37 of the Town of Wappinger Zoning Regulation in an R-40 Zoning District.

-Where a **30 foot rear yard setback** is required for the installation of a 24' above ground pool with no deck, the applicant can only provide **20 feet** to the rear property line, thus requesting at **10 ft.** variance.

The property is located at **10 Kendell Drive** and is identified by **Tax Grid No. 6257-03-372438** in the Town of Wappinger.

Mr. Mauro: We are looking to install a 24 foot round pool and the shape of the property is narrow but wide. The salesman came out to the house and suggested the size of the pool and the area to have it installed. Where we want to put it would have the least amount of a variance.

Mr. Casella: Is there a pool there today?

Mr. Mauro: No.

Mr. Casella: Is there anywhere else you can put the pool to have a smaller variance? Is the ground level?

Mr. Mauro: We did remove some trees; the pool would be over some stumps. The salesman suggested this spot and we would like the pool behind the house for privacy.

Mr. Casella: Are you well and septic or town water and sewer?

Mr. Mauro: Town water and sewer.

Mr. Rexhouse: How far away from the house are you going to put the pool?

Mr. Mauro: It will be closer to the deck. One of the reasons why we picked that spot is because we have a three season room with a deck. In the future we would like to expand the deck to the pool.

Mr. Casella: You will have a ladder for the pool.

- Mr. Mauro: Yes.
- Mr. Casella: Do you have a fence to go around the pool?
- Mr. Mauro: No.
- Mr. Johnston: Do you have a fence around your property?
- Mr. Mauro: I have a small decorative fence at the back of my property for the ivy to grow on.
- Mr. Johnston: Is the pool going to be 48 inches high?
- Mr. Mauro: It is going to be higher than that.
- Mrs. Roberti: Above ground pools higher than 48 inches do not need a fence around them.
- Mr. Rexhouse: You mentioned a three season room and a deck. Is it one or the other or both?
- Mr. Mauro: Both.
- Mr. Horan: The only variance that is needed is the rear yard?
- Mr. Mauro: Yes, we were good with the sides.
- Mrs. Roberti: This zone is a bonus zone. It is a R40 but it is Kendell Farms, they are only required to have 15 feet to either side and 30 feet to the rear.
- Mr. Mauro: Even if we went with an oval pool, we would have needed a variance.
- Mr. Casella: Did you purchase the pool already?
- Mr. Mauro: There is a deposit down on it.
- Mr. Casella: We will have a site visit this Saturday, March 1st. Is there any way you can mark out where the pool is going to go? I know with the snow it might be difficult.
- Mr. Casella: Can I have a motion to go into executive session for legal advice?

Mr. Johnston: I make a motion to go into executive session for legal advice.

Mr. Rexhouse: Second.

Mr. Casella: Can I have a motion to come out of executive session?

Mr. Johnston: I make a motion to come out of executive session.

Mr. Rexhouse: Second.

Mr. Casella: Can I have a motion to adjourn this meeting?

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

Mr. Rexhouse: Second.

Mr. Casella: All in favor?

Board: Aye.

Respectfully Submitted,

Susan Rose, Secretary
Zoning Board of Appeals