

MINUTES

**Town of Wappinger
Zoning Board of Appeals
May 26, 2015
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Casella	Acting Chairman	Present
Mr. Johnston	Member	Present
Mr. Galotti	Member	Present
Mr. Rexhouse	Member	Present

Others Present:

Mrs. Barbara Roberti	Zoning Administrator
Mrs. B. Ogunti	Secretary

SUMMARY

Public Hearings:

Kevin O'Dell -Variance granted

Sue Rose -Variance granted

Discussion:

Joe Boyce -Public Hearing on June 9, 2015

Peter Franz -Public Hearing on June 9, 2015

Jason & Christine Bates -Public Hearing on June 9, 2015

Mr. Johnston: Motion to approve the minutes for May 12, 2015.

Mr. Galotti: Second the motion.

Vote: All present voted aye.

Appeal No. 15-7551

Kevin O'Dell: - Seeking an area variance Section 240-37 of District Regulations in an R-40 Zoning District.

-Where **25 feet** is required to the side of the property line, the applicant can only provide **17 feet** to the side yard for the construction of a deck and stairs, thus **requesting a variance of 8 feet** for an **8 feet x 8 feet** deck and stairs.

The property is located **320 River Road, North** and is identified as **Tax Grid No. 6056-02-603981** in the Town of Wappinger.

Mr. Johnston: Motion to open the Public Hearing.

Mr. Galotti: Second the motion.

Vote: All present voted aye.

Mr. Casella: Are the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Casella: Mr. O'Dell, please come up and explain to us what you want to do here.

Mr. O'Dell: My name is Kevin O'Dell and I live at 320 River Road. I'm looking to build a deck and stairs, and I only have 17 feet and looking for a variance of 8 feet.

Mr. Johnston: Barbara, does he have a building permit for the accessory apartment?

Mrs. Roberti: Yes, he does.

Mr. Casella: Does anybody on the board have any questions for Mr. O'Dell? Is there anyone in the audience who would like to comment for or against this variance?

Mr. Johnston: Motion to close the Public Hearing.

Mr. Galotti: Second the motion.

Vote: All present voted aye.

Mr. Galotti: **Motion to grant the applicant the variance. I don't see that the benefit could be achieved by any other feasible means. It does not create any undesirable change to the neighborhood. I don't believe the request is substantial and it will not produce any adverse effect to the environment.**

Mr. Johnston: Second the motion.

Vote: All present voted aye.

ZBA Roll Call: Mr. Johnston: Aye
 Mr. Galotti: Aye
 Mr. Casella: Aye
 Mr. Rexhouse: Aye

Appeal No. 15-7554

Susan Rose- Is seeking an area variance of Section 240-37 of the Regulations in an R-20/40 Zoning District.

-Where **50 feet** is required to the rear yard of the property line, the applicant can only provide **36 feet** for the installation of a 24" above ground round pool, thus requesting a variance of **14 foot** for the pool.

The property is located at **7 Card Road** and is identified as Tax Grid No. **6157-04-526258** in the Town of Wappinger.

Present: Susan Dao – for Sue Rose

Mr. Casella: Are the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Rexhouse: **Motion to open the Public Hearing.**

Mr. Johnston: Second the motion.

Vote: All present voted aye.

Mrs. Dao: Hi, I'm Susan Dao and I am here to represent Sue Rose. She's looking to put a 24" above ground pool in the side yard and there's nowhere else for her to put it because of her septic and the way it is shaped.

Mr. Casella: I think we all have gone out to Ms. Rose's place.

Mr. Galotti: Yes, we have multiple times.

Mr. Casella: Does anybody on the board have any comments? Is there anyone in the audience who has any comments?

Mr. Johnston: **Motion to close the Public Hearing.**

Mr. Galotti: Second the motion.

Vote: All present voted aye.

Mr. Johnston: **Motion to grant the variance. It cannot really be achieved by any other means and you cannot put the pool there due to the septic. It is not undesirable to the neighborhood and it's not substantial and I don't believe it has any adverse or physical impact on the environment.**

Mr. Galotti: Second the motion.

Vote: All present voted aye.

ZBA Roll Call: Mr. Johnston: Aye
 Mr. Galotti: Aye
 Mr. Casella: Aye
 Mr. Rexhouse: Aye

Appeal No. 15-7552

Joe Boyce: Seeking an area variance Section 240-37 of District Regulations in an R-20/40 Zoning District.

-Where **50 feet** is required to the front yard setback of the property line, the applicant can only provide **14 feet** to the front yard, thus **request a variance of 36 feet** for the construction of a front covered porch.

The property is located at **10 Card Road** and is identified as **Tax Grid No. 6157-04-520274** in the Town of Wappinger.

Mr. Casella: Please state your name and tell us why you are here.

Mr. Boyce: My name is Joe Boyce and I live at 10 Card Road. I'm trying to make my deck bigger than the pad that's already there and my house is too close to the street.

Mr. Galotti: Are you almost across from Sue Rose's house?

Mr. Boyce: Yes, I am. I brought a couple of pictures so you can see what's there.

Mr. Johnston: How big is the pad that's already there?

Mr. Boyce: It might be 5 x 6 feet without counting the stairs.

Mr. Johnston: Are there stairs and are the stairs going to be in addition to the 8 feet?

Mr. Boyce: No, what I asked for in the variance is with the stairs.

Mrs. Roberti: The deck comes out about 8 feet and the stairs comes out another 3 feet for a total of 11 feet and he has 25 feet. That's why he only has 14 feet of the 25 percent.

Mr. Casella: Does anyone in the neighborhood have a structure that comes out like that?

Mr. Boyce: Sue Rose has something like what I'm asking for but does not have the roof over it and the railing around it.

Mr. Casella: What we are going to do is set up a site inspection for Saturday, June 6, 2015 around 9:00 am.

Appeal No. 15-7555

Peter Franz- Is seeking an area variance of Section 240-37 of the Regulations in an R-20/40 Zoning District.

-Where **50 feet** is required to the rear yard of the property line, the applicant can only provide **48 feet** for the installation of a deck, thus requesting a variance of **2 feet**.

The property is located at **9 Fowlerhouse Road** and is identified as Tax Grid No. **6157-04-544320** in the Town of Wappinger.

Mr. Casella: Please state your name and tell us why you are here.

Mr. Franz: My name is Peter Franz and I live at 9 Fowlerhouse Road. I'm putting up a screened in porch in the back and I am 2 feet short.

Mr. Galotti: So there's nothing there right now and this is a brand new structure?

Mr. Franz: Yes, it's brand new.

Mr. Johnston: Is it going to come out further than the house?

Mr. Franz: Yes, a little bit but not much. I have a 2-car garage on the side that extends out.

Mr. Johnston: Towards the side of the house? If I look at it from the front of the house, is it even with the house?

Mr. Franz: Yes.

Mrs. Roberti: For the record, this house has a garage on the side and it received a variance in September of 1972 which left them with only 5 feet to the side. I bring this up because when you go out there you will see that the garage is very close to the house. It is legal, and a variance was granted.

Mr. Casella: Are there any other questions? Okay, we are going to do a site inspection on Saturday, June 6, 2015.

Appeal No. 15-7556

Jason & Christine Bates- Is seeking an area variance of Section 240-37 of the Regulations in an R-80 Zoning District.

-Where **40 feet** is required to the side yard of the property line, the applicant can only provide **38 feet** to the right property side for the installation of a 24" above ground round pool, thus requesting a variance of **2 feet** for the pool to the right side of the property.

-Where **40 feet** is required to the side yard of the property line, the applicant can only provide **38 feet** to the left property side for the installation of a 24" above ground round pool, thus requesting a variance of **2 feet** for the pool to the left side of the property.

The property is located at **392 Cedar Hill Road** and is identified as Tax Grid No. **6256-01-258797** in the Town of Wappinger.

Mr. Casella: Please come up and state your name and tell us why you are here.

Mr. Bates: My name is Jason Bates and I live at 392 Cedar Hill Road. I would like to put a pool in the backyard and we are a little short.

Mr. Casella: So you have 2 feet on the side?

Mr. Bates: We have 2 feet on both sides. We have plenty of room in the back.

Mr. Johnston: Is there anywhere else to put the pool?

Mr. Bates: No, the only flat part on the property is in the back of the house. The septic and everything else is in the front and it's a big slope.

Mr. Johnston: Do you have the well in the back?

Mr. Bates: No, it's in the front. Unfortunately, we are in the R-80 zoning district and we only have 3/4 of an acre, and we are zoned for 2 acres. If we were zoned the other way, we won't need a variance.

Mr. Casella: You will need to mark out the area and put a round circle so we can see it when we do our inspection. We will schedule a site inspection for Saturday, June 6, 2015.

Mr. Galotti: **I make a motion to adjourn this meeting.**
Mr. Johnston: **Second the motion.**
Mr. Prager: **All in Favor – Aye**

Respectfully Submitted,

Adjourned: 7:20 pm

Bea Ogunti
Secretary
Zoning Board of Appeals