

MINUTES

**Town of Wappinger
Zoning Board of Appeals
June 9, 2015
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Prager	Chairman	Present
Mr. Casella	Member	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:

Joe Boyce	-Variance granted
Peter Franz	-Variance granted
Jason & Christine Bates	-Variance granted

Discussion:

George & Rose Tsoukaris	-Public Hearing on June 22, 2015
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Mr. Casella: **Motion to approve the minutes for May 26, 2015.**

Mr. Galotti: Second the motion.

Vote: All present voted 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. Prager: Are the mailings in order?

Mrs. Ogunti: Yes, they are.

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

Mr. Casella: Second the motion.

Vote: All present voted aye.

Mr. Prager: Mr. Boyce, come on up and state your name for the record please and tell us what you need and why you need it.

Mr. Boyce: My name is Joe Boyce, and I need a variance because my house is too close to the street and I want to build a covered front porch.

Mr. Prager: We were there on Saturday to do a site inspection and I know you have a small porch already there and that's almost the same width coming to the street anyway.

Mr. Boyce: Yes, it's not that much difference. The garage is much bigger than I thought it was going to be that's why I want to cover it so it looks like it belongs there.

Mr. Johnston: What is the deck going to be made out of?

Mr. Boyce: It's going to be made of wood.

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

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

Mr. Johnston: Second the motion.

Vote: All present voted aye.

Mr. Galotti: **Motion to grant the applicant the variance. I don't believe the benefit can be achieved by any other feasible means, and does not create any adverse effects to the neighborhood at all. I don't believe the request is substantial and there's no adverse effect to the environment.**

Mr. Casella: Second the motion.

Vote: All present voted aye.

ZBA Roll Call: Mr. Prager: Aye

Mr. Johnston: Aye

Mr. Galotti: Aye

Mr. Casella: Aye

Mr. Rexhouse: Aye

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. Prager: Are the mailings in order?

Mrs. Ogunti: Yes, they are.

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

Mr. Johnston: Second the motion.

Vote: All present voted aye.

Mr. Prager: Mr. Franz, come on up and state your name for the record please and tell us what you need and why you need it.

Mr. Franz: My name is Peter Franz, and I'm trying to put a deck in the back of the house with a covered roof and a couple of steps. I need 50 feet to the back property line and I can only provide 48 feet. The reason that I want that size is to put a dining table out there with a screened in porch. I don't think there's any impact to the neighbors at all.

Mr. Prager: We did a site inspection on Saturday and it looks pretty wooded and there's not much you can do in the back anyway.

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

Mr. Casella: Motion to close the Public Hearing.

Mr. Galotti: Second the motion.

Vote: All present voted aye.

Mr. Casella: Motion to grant the variance. The benefit cannot be achieved by the applicant in any other feasible means. It is not undesirable to the character of the neighborhood or nearby properties. The request is only 2 feet so it's not very big and whether it would have any adverse impact, it won't. It is not a self-created difficulty and there's water in the backyard and there are no neighbors that can see anything.

Mr. Johnston: Second the motion.

Vote: All present voted aye.

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

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. Prager: Are the mailings in order?

Mrs. Ogunti: Yes, they are.

Mr. Prager: Mr. Bates, come on up and state your name for the record please and tell us what you need and why you need it.

Mr. Bates: My name is Jason Bates and I would like to put in a 21" above ground pool and we need 2 feet on each side for a side yard setback.

Mr. Prager: As you and Mr. Casella just mentioned, you originally thought it was going to be 24" but it's dropped down, but we will give you the variance the way it is. Did you find out how far the pool has to be from the house?

Mr. Bates: I have not had the chance to ask Barbara Roberti yet.

Mrs. Roberti: We would like at least 6 feet and that's for fire. If there's a fire, we would like the fireman to be able to get around and not having obstruction such as a pool.

Mr. Bates: Another thing, is a timer required on a pump?

Mrs. Roberti: No, not at all.

Mr. Bates: I called the inspectors today and he said it's up to the town whether they need a timer.

Mrs. Roberti: I don't know of us requiring that but tomorrow I can check with Susan Dao. To my knowledge, our only requirement is having the electric inspected by a third party electrical inspector. It's a new pool so it's probably going to be 52 feet high so the ladder has to either be removable or lockable. You will need a pool alarm and it has to be removable.

Mr. Bates: Thank you.

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

Ms. Villareal: My name is Honorato Villareal and I live at 394 Cedar Hill Road. I'm just wondering how close it's going to be to my property? It says here that he needs a 2 feet variance, so is it going to be right on my property line?

Mr. Prager: No, definitely not. It requires 40 feet to be legal and according to the agenda, he would be closer with 38 feet so, it's just a matter of 2 feet. It's going to be less than that because it's a smaller pool. If we vote for or against, we will still vote for the 2 feet.

Ms. Villareal: I have a child, so is there going to be a fence around the pool?

Mrs. Roberti: New York State Code requires the pool to be at least 48 inches high and if it's less than that, it will have to have a self-closing lockable gate. The newer pools are 52 inches high and obviously he could climb on something

so you have to watch him. So the only requirement is that the ladder cannot be left in, so it has to be the type that either pulls up and/or they lock it in place or removed.

Mr. Villareal: We are sorry that we are late, the doors were locked and we did not know what all of this meant.

Mr. Prager: If Mr. Bates didn't need a variance, it would be that 40 feet of the 38 feet but now he just needs 2 feet.

Mr. Casella: Your pool is essentially in the center, right?

Mr. Bates: Yes, it is going to be at least 38 1/2 to 39 feet from the property line.

Mr. Prager: Did that answer your questions?

Ms. Villareal: Yes, and thank you.

Mr. Johnston: I have a question, are they for or against the variance?

Ms. Villareal: Yes, we are for it.

Mr. Prager: Thank you for coming.

Mr. Casella: Motion to close the Public Hearing.

Mr. Johnston: Second the motion.

Vote: All present voted aye.

Mr. Johnston: Motion to grant the variance. There's no other feasible means of putting the pool other than the center of the backyard. It's not undesirable to the character of the neighborhood, and it is not going to cause any environmental or physical issues.

Mr. Casella: Second the motion.

Vote: All present voted aye.

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

Appeal No. 15-7557 George & Rose Tsoukaris: Seeking an area variance Section 240-37 of District Regulations in an R-20 Zoning District.

-Where **40 feet** to the rear yard property line is required, the applicant can only provide **16' 6"** or the installation of a **15 feet x 30 feet** oval above ground pool, thus requesting a variance of **23' 6"**.

The property is located **2 Steinhaus Lane** and is identified as **Tax Grid No. 6057-02-746502** in the Town of Wappinger.

Mr. Prager: Basically what we do at this meeting is we go over what kind of information you have and why you need it. If it looks like we might need some more information, we will ask you to get it to the Zoning Administrator or the secretary before the next meeting. So let us know what you need and why you need it.

Mr. Tsoukaris: My wife and I are looking to put in a 15 feet x 30 feet oval above ground pool in the backyard. We have enough area to the left side of the property line but not have enough to the rear of the property line. The left and rear of our property is a fenced area and intertwined with the fence are bushes. The property is a decent size but the house was built closer to the rear than the front, so our front yard is bigger than our backyard.

Mr. Prager: You supplied us with a survey map but I cannot read any of the numbers on it. We will schedule a site inspection this Saturday to come and look at what you are talking about, so we will be there at 9:00 am.

Mr. Johnston: Could you outline it so we can know where you are putting the pool.

Mr. Prager: You said you have a fence all around the property?

Mr. Tsoukaris: We have fencing on the left, right and in the rear but not in the front.

Mr. Prager: Is it on the property, because we use that as a reference to your property line. I will make the next Public Hearing on this for Monday, June 22, 2015.

Mr. Tsoukaris: Thank you.

Mr. Prager: Do you have the original survey map?

Mr. Tsoukaris: No. I have a copy but the only difference is it's on legal size paper and not much clearer.

Mr. Prager: Thank you and we will see you on Saturday.

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