

MINUTES

**Town of Wappinger
Zoning Board of Appeals
August 13, 2019
Time: 7:00PM**

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

Summarized Minutes

Members:

| | | |
|----------------|----------|---------|
| Mr. Casella | Chairman | Present |
| Mr. DellaCorte | Member | Present |
| Mr. Galotti | Member | Present |
| Mr. Haas | Member | Present |
| Mr. Shah | Member | Present |

Others Present:

| | |
|--------------|----------------------|
| Mrs. Roberti | Zoning Administrator |
| Mrs. Ogunti | Secretary |

SUMMARY

Discussion:

| | |
|----------------------------|--|
| James & Laura Scampoli | Public Hearing on August 27, 2019 Site Visit on August 17, 2019 |
| Angelo & Mary Ann Fabrizio | Public Hearing on August 27, 2019 Site Visit on August 17, 2019 |
| Eric & Jennifer Schmidt | Public Hearing on August 27, 2019 Site Visit on August 17, 2019 |

Mr. DellaCorte:

Motion to accept the Minutes from July 23, 2019.

Mr. Galotti:

Second the Motion.

Vote:

All present voted Aye.

Discussion:

Appeal No. 19-7681 (Variance)

James & Laura Scampoli: Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **25 feet** is required to the side property line, the applicant can provide **15 feet**, thus requesting a variance of **10 feet** for the installation of a 12' x 24' shed.

The property is located at **74 Pye Lane** and is identified as **Tax Grid No. 6358-03-207123** in the Town of Wappinger.

Mr. Casella:

Good evening. Please tell us what you are trying to do here.

Mr. Scampoli:

Good evening. I'm James Scampoli, 74 Pye Lane, Wappingers Falls, NY 12590. My wife and I are going to be adding storage to the property. The only viable location on the property for a shed is on that side. I have already spoken to my neighbor and he is fine with it.

Mr. Casella:

I understand that you have a prefab shed?

Mr. Scampoli:

Yes.

Mr. Casella:

You are on 1.5 acres?

Mr. Scampoli:

Just about.

Mr. Casella:

Is there anywhere else on the property you can put that shed?

Mr. Scampoli:

I could move it over but I have drainage line that runs from the front of my property all the way to the back. If I moved it over 10 feet, I will be on top of those lines.

Mr. Casella:

Okay. Is there a structure there today?

Mr. Scampoli:

No.

Mr. Galotti:

What kind of drainage?

Mr. Scampoli:

I have a swale in front of me and I literally get the neighborhood runoff. I ran into a problem with drainage about 15 years ago so we ran drain pipes around the house.

Mr. Galotti: Gotha, so storm drainage.

Mr. Scampoli: Yes.

Mr. Casella: Do you have water and sewer?

Mr. Scampoli: No, well and septic.

Mr. Casella: Are there any other questions from the Board?

Mr. DellaCorte: On the survey you provided it's a little small and maybe I'm missing it but I see a metal shed.

Mr. Scampoli: Yes.

Mr. DellaCorte: So there's a metal shed behind your house and there's a swimming pool behind the house?

Mr. Scampoli: Yes.

Mr. DellaCorte: To the left I see a structure drawn on there.

Mr. Scampoli: That's where the shed is going to go.

Mr. Casella: Any other questions from the board?

Mr. DellaCorte: Did you look at behind the pool at all?

Mr. Scampoli: Yes.

Mr. DellaCorte: I don't know what the typography is.

Mr. Scampoli: If you see where that pool is in relations to the house, I have a septic line that runs from a tank around that pool and the leaching fields are behind.

Mr. DellaCorte: Okay, if you had shown that maybe it would have been helpful.

Mr. Scampoli: I apologize.

Mr. DellaCorte: That's okay.

Mr. Scampoli: As much of a property that it seems to be, there nowhere else to put it.

- Mr. Casella: We would like to come for a site visit this Saturday around 9:00am. Do you have it staked out by any chance?
- Mr. Scampoli: I can have it staked out.
- Mr. Casella: You can spray paint. Whatever is easiest for you?
- Mr. Galotti: You can stake out or spray wherever the shed is going to be. Is there a way to identify the property line?
- Mr. Scampoli: There's a tree line that runs between me and my neighbor.
- Mr. Galotti: You don't have to get a survey because it's going to cost you but if you could find out where it is that would be helpful.
- Mr. Scampoli: Absolutely.
- Mrs. Roberti: On your survey it says there's an outdoor water figure 3 feet away from your neighbor. Is that still there?
- Mr. Scampoli: It is actually still there but it's considered a dead space. It's all torn up.
- Mrs. Roberti: Just for the Board, it is 3 feet off his property line and a little in front of his house just to give you an idea.
- Mr. Casella: Thank you Barbara. So we will see you on Saturday, at 9:00am and we will set your public hearing for August 27th.
- Mr. DellaCorte: I won't be there on this Saturday but will be there the Saturday prior to the meeting.
- Mr. Scampoli: Okay, that's fine.
- Mr. DellaCorte: If you are not there that's okay, as long as it is staked out.
- Mr. Scampoli: It will be.
- Mr. Shah: I won't be there this Saturday but will be there the Saturday prior to the meeting as well.
- Mr. Scampoli: Thank you.

Appeal No. 19-7682 (Variance)

Angelo & Mary Ann Fabrizio: Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **50 feet** is required to the rear property line, the applicant can provide **47.57 feet**, thus requesting a variance of **2.43 feet** for the extension of an existing deck.

The property is located at **27 Kendell Drive** and is identified as **Tax Grid No. 6257-01-308512** in the Town of Wappinger.

Mr. Casella: Good evening.

Ms. Niemiec: Hi there. My name is Lisa Niemiec from My Way Home Improvement. Basically what we are trying to do is extend the structure 11' x 16' to the right. We had done this prior with another variance a couple of years ago now we are adding to it.

Mr. Galotti: So adding to an existing.

Ms. Niemiec: Yes, we built what you saw on the survey. Everywhere I marked existing was what we put on the first time around. So now we are just adding another 11 feet going out.

Mr. DellaCorte: Are you speaking about this plot?

Mrs. Roberti: What's on the survey is an existing deck and if you go to the plot plan they are filling it in to the right and adding to it.

Mr. DellaCorte: So the checker lines, slashes that are diagonal there already?

Ms. Niemiec: Yes. You see where it says 25 feet, we are adding another 11 feet to the right to make that deck a little bigger plus the 4 feet for the stairs.

Mr. Haas: That's not the variance. The variance is just for the back part of that extension, right?

Ms. Niemiec: What is it that you are questioning?

Mrs. Roberti: The variance is that they need 50 feet to the rear and they have 47.57 feet. They don't need a side yard variance.

Mr. Casella: So he needs 2.43 feet from the back.

Mrs. Roberti: If you look at the survey, someone wrote in 14 feet to the left side. Not having the whole survey, I think that's accurate and if you look on the other side, the 16.3 feet, that 14 feet area is

clearly larger so they have over 20 feet. That's why they are only seeking a rear yard variance.

Mr. Casella: You are on a quarter acre of land?

Ms. Niemiec: Yes. This is on the ground by the way. There's no posts on anything.

Mr. Casella: Any other questions from the Board?

Mr. DellaCorte: Not a question but to say my site visit will be the Saturday prior to the meeting.

Mr. Casella: Could you stake it out for us, please.

Ms. Niemiec: I'm going to let the homeowner know.

Mr. Casella: I want them to show the backyard on this and on the survey so we can see the 2.43 feet of a variance that you need.

Ms. Niemiec: Okay.

Mr. Casella: So I'm looking for the deck addition and a second one that I can see the back of the yard to see the 2.43 feet.

Ms. Niemiec: I'll find out how to do it.

Mr. DellaCorte: I just want to reiterate that I won't be there this Saturday.

Ms. Niemiec: Yes, I will let the owners know.

Mr. DellaCorte: I will call ahead before coming. It will be the following Saturday or Sunday.

Ms. Niemiec: The following Saturday around 9:00am?

Mr. DellaCorte: Yes, probably.

Ms. Niemiec: Okay, I'll let them know so they can be home.

Mr. Galotti: So the 47.57 feet from the property line looks like it runs on a skew. Do you know whether that was exactly surveyed?

Ms. Niemiec: We took it from the survey that we received from the homeowner. That's exactly what it was the first time we

applied for the variance. We weren't going in the back the first time, it was just the side.

Mr. Galotti: Okay. I was curious because the property itself is going away from the deck.

Discussion continues.

Mr. Casella: We will schedule a site visit on Saturday around 9:15am and set your public hearing for August 27th.

Ms. Niemiec: Thank you.

Appeal No. 19-7683 (Variance)

Eric & Jennifer Schmidt: Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **50 feet** is required to the rear property line, the applicant can provide **23 feet**, thus requesting a variance of **27 feet** for the installation of a 12' x 24' in ground pool.

-Where **50 feet** is required to the front property line, the applicant can provide **41.5 feet**, thus requesting a variance of **8.5 feet** for the installation of a 12' x 24' in ground pool.

The property is located at **94 Robinson Lane** and is identified as **Tax Grid No. 6459-03-070409** in the Town of Wappinger.

Mr. Casella: Good evening.

Mr. Hughes: Good evening. My name is James Hughes from Under the Sun Improvements.

Mr. Casella: Are you representing the Schmidts?

Mr. Hughes: Yes.

Mr. Casella: What's your capacity? Are you the engineer or developer?

Mr. Hughes: I'm the builder and the owner of Under the Sun Improvements.

Mr. Casella: Tell us a little about what you are looking for.

Mr. Hughes: We are looking to do a 12' x 24' in ground pool on a very odd lot. It is pretty straight forward and I have everything plotted on the survey. I contacted Mr. Lynn because he did the original survey. It was easier to use Larry's because he is familiar with it.

- Mr. Casella: Looks like you have a well on the side of the property and the septic in the front of the house. So looks like that's the only place in the back that you can actually put the pool.
- Mr. Hughes: There is absolutely no other place to put it. So we have no options.
- Mr. Shah: Don't you need a certain separation between the septic and the pool?
- Mrs. Roberti: They are only required 6 feet separation to another structure and this is a pool.
- Mr. Galotti: The orientation too is that the front of the house faces Robinson Lane.
- Mrs. Roberti: It is not on the variance but the first variance is actually a front yard variance. Where they needed 50 feet, the pool corner would be 41.5 feet. The side yard is fine at 33 feet and rear requires 50 feet and he only has 23 feet.
- Mr. Haas: So this is just a rear variance?
- Mrs. Roberti: There are two variances. The first one is for the rear and the second one is for the front.
- Mr. Hughes: I think this house had a variance to be built.
- Mrs. Roberti: Yes, I remember this house.
- Mr. Casella: Are there any other questions from the Board?
- Mr. DellaCorte: Is Robinson Lane the front of the house?
- Mrs. Roberti: Yes.
- Mr. Casella: Everybody good? We will do a site visit on Saturday around 9:45am. Again, we will ask you to stake out where the pool is going as well as the back and side property lines.
- Mr. Hughes: Will you have the survey with you?
- Mr. Casella: Yes.
- Mr. Hughes: I will share this with the owners.

Mr. DellaCorte: Same thing with me if you could give me their phone number so I can call them when I'm coming.

Mr. Hughes: I'll give you Jennifer's number.

Mr. Shah: I will be there the following Saturday.

Mr. Casella: We will schedule the public hearing on August 27, 2019.

Mr. Galotti:

Mr. Haas:

Vote:

Motion to adjourn.

Second the Motion.

All present voted Aye.

Respectfully Submitted,

Adjourned: 7:19 pm

Bea Ogunti
Secretary
Zoning Board of Appeals