

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
November 12, 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	Absent
Mr. Haas	Member	Present
Mr. Shah	Member	Present

**Others Present:**

Mrs. Ogunti	Secretary
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**SUMMARY**

**Adjourned Public Hearing:**

Anthony Bottini	Variance granted
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**Discussion:**

Anthony & Danielle Jennette	Public Hearing on November 26, 2019 Site Visit on November 16, 2019
Edward Collins	Public Hearing on November 26, 2019 Site Visit on November 16, 2019
Fred Thomas	Public Hearing on November 26, 2019 Site Visit on November 16, 2019
Janet Marie Wilson	Public Hearing on November 26, 2019 Site Visit on November 16, 2019

**Video of the October 22, 2019 Zoning Board of Appeals Meeting:**

<https://www.youtube.com/watch?v=Vsy7Ep07EY8>

<https://www.youtube.com/watch?v=jInJfnuyKIE>

**Mr. Haas:** Motion to accept the Minutes from November 12, 2019.  
**Mr. Shah:** Second the Motion.  
**Vote:** All present voted Aye.

**Adjourned Public Hearing:**

**Appeal No. 19-7686 (Variance)**

**Anthony Bottini:** Seeking an area variance Section 240-37 of District Regulations in an R40 Zoning District.

-Where **25 feet** to the side property line is required, the applicant can provide **11' 8"** for the installation of an in ground pool, thus requesting a variance of **13' 2"**.

The property is located at **7 Carmel Heights** and is identified as **Tax Grid No.: 6258-04-772231** in the Town of Wappinger.

**Present:** Bob Juliano – Representative for Applicant

**Mr. DellaCorte:** Motion to open the Adjourned Public Hearing.  
**Mr. Haas:** Second the Motion.  
**Vote:** All present voted Aye.

**Mr. Casella:** Please come up and tell us what you are going to do.

**Mr. Juliano:** We went with the side yard versus the front yard requesting the 13'2" variance.

**Mr. Casella:** One of the things we want to talk to you about tonight is your Plan B. We noticed you pulled back to the side. What me and my colleagues are asking is that you move it back further. The last time we talked to you was about the swale on the side of the yard towards the back by the drain. Have you had a chance to look at that? Again, we have not seen any new plans submitted.

**Mr. Juliano:** We brought the plans in that last time.

**Mr. Casella:** That was prior to that.

- Mr. Juliano: We are on the side yard now.
- Mr. Casella: I know you are and again it's our decision to give the variance.
- Mr. Juliano: I thought we agreed if I got the side yard variance it would be acceptable.
- Mr. Casella: When we talked about it Shailesh wanted it further back and I thought that we were pretty clear about that.
- Mr. Juliano: We did decide to move it from the front yard to the side.
- Mr. Shah: My main concern was people sitting outside and people from the road can see.
- Mr. Juliano: They cannot see the pool.
- Mr. Shah: No, they cannot see the pool but can see the people clearly.
- Mr. Juliano: The problem with going any further back will be in that swale. I hired Christian Paggi to do a contour in reference to that swale. The reason that we wanted the pool in the front was the wet yard in the back.
- Mr. Casella: Yes, we saw that when we walked the property.
- Mr. Juliano: That was my problem and why I need the variance and contingency for having a hardship. There's a basement in that house and if we push the pool any further it will be inside that swale. All I need now is the variance for 13 feet. I'm not looking for the front yard variance anymore. I thought we agreed to this and all of a sudden we come here today and there's a change.
- Mr. Shah: My concern is that people can see in the front yard.
- Mr. Juliano: The problem is there's a water situation and that was my hardship.
- Mr. Haas: This hardship situation that you are talking about, is that your opinion and have you had an engineer look at this?

Mr. Juliano: Yes, Christian Paggi is doing a contour adjustment on the property. We have a swale and it's very clear there's a hardship there.

Mr. Casella: We were at the back of the property and we understand you can't put a pool there. You took us through the drainage issues. When Mr. Shah and I were there we talked about moving it back further and I thought you said it was okay to take some of the swale from the side so it didn't affect the drain. I thought that was what we agreed to.

Mr. Juliano: I thought if we had the property line then we won't need a variance but what we had surveyed we found out we need a variance. If we put the pool where you and Mr. Shah wants it we would be on the property line

Mr. Casella: Just so you know there are four board members here tonight and there's typically 5 of us.

Mr. Juliano: So if two wanted and two didn't, we would be locked. I feel really disappointed because I feel in all fairness I went ahead and changed the plans to the side lines. I thought we were under the impression that we would. I clearly showed the hardship. I got a contour adjustment to the property before I get a building permit I need a contour to the swale so the rest of the property would not flood.

Discussion continues.

Mr. Casella: We are not disagreeing with you about the side yard. What we are asking you is to move it further back and I thought that's what we discussed. Honestly, I thought you were going to come in with another set of plans moving it back.

Mr. Juliano: I did bring a new set of plans the last time I was here. Al, I'm not being argumentative about this. I'm being factual.

Mr. Casella: You brought in two sets of plans. Plan A and Plan B which gets us back to what we are calling the side yard. Maybe it's a misunderstanding but we thought you were

going to move it to the side. That's what we talked about.

Mr. Juliano: If you look at the plans it's behind the front door of the house.

Mr. Shah: The seating area is still in the front.

Mr. Juliano: You know something Mr. Shah, not a person here that's against it. Is there anyone from this development that's against this?

Mr. Casella: Bob, hang on a second. That's for us to ask.

Mr. Juliano: I hired an engineer for the contour assessment of the property and placed the pool the most legitimate way that won't flood this house. There's a pool behind us that no one can see. The property is a beautiful property on a high elevation. The pool is in the ground and I don't see what you are worried about.

Mr. Shah: Of course people can see people using the pool, running in their swimming dress. From across the road they can see the four chairs you are showing in the front on the plan.

Mr. Juliano: What four chairs.

Mr. Shah: The four chairs you are showing here on your Plan B.

Mr. Juliano: The chairs are there for demonstration purposes.

Mr. Shah: People will be walking in their swimming dresses.

Mr. Juliano: Excuse me.

Mr. Shah: In their swimming costumes. Why would I want to see somebody from my house in their swim dress?

Mr. Juliano: I'm appealing to you so if you want to see the pictures again I'll show you. Down below you can't even see on the top of that property.

Mr. Shah: I can see people walking around.

- Mr. Juliano: You see people walking into a house that doesn't make it illegal.
- Mr. Shah: No, but seeing a pool that's my concern.
- Mr. Haas: How far back could you move it comfortably?
- Mr. Juliano: That whole area is a swale.
- Mr. Haas: My question is could you move it further back.
- Mr. Juliano: Not on that plan because we'd be back in that drain.
- Mr. Casella: Can you move it back 10 to 15 feet. We are just trying to figure out how far you can move it back. Sir, would you like to say something? We are open to the public now.
- Mr. Mikus: Todd Mikus, 33 Vandewater Drive, Wappingers Falls, New York. I was here a couple of months ago for a variance myself. Just listening to the questions and I see Mr. Shah seems to have a concern about the neighbors being able to see activity around the pool. I don't understand why that's a concern. Quite honestly I just got a variance for my pool in my side yard also. My side yard is along three back yards in my neighborhood and everybody in my neighborhood can see my pool, what we are doing, having a party or not having a party. This is what happens in neighborhoods. I just don't understand that objection. Your question goes to could you move it back 10 or 15 feet. What's that going to do and I'm just trying to put a picture in my head about what's going on here. Moving it back 10 or 15 feet is not going to change anything. I just don't understand what your objection is. Again, I haven't been there and I haven't seen the plans but I got a pretty good picture of that area. I don't see what the problem is but maybe it's just me.
- Mr. Casella: Thank you. Is there anybody else in the audience who would like to speak for or against this variance? Bob, could you come back up.
- Mr. Juliano: Thank you very much. It is a development and a very nice development. The landscaping of that residence is high elevations and beautiful.

Mr. Casella: We got that but you have a couple of retaining walls and they really don't cover anything.

Mr. Juliano: The retaining walls are existing and the height of the elevations is a consideration to be taken into effect. Once the pool is there and you are down on the lower level you are seeing the wall and not the pool. There's a pool in the back at the other house and the Bottini's can see their pool. So I was under the impression that this would be slam dunk. I understand the front yard that we were asking for wouldn't work that's why I brought the other set of plans in. I thought we agreed to that. I asked the Board that.

Mr. Casella: We said that was the minimum requirement.

Mr. Juliano: I think if someone doesn't want that they should come here. I don't see any opposition here so this variance shouldn't be a problem. I'm asking for a small variance and we are keeping the pool as far back as we can. I'm doing a contour elevations with a license engineer. If there's any way we could put it in the back we would have done it. Mr. Bottini is very old and I shouldn't have to say that. I'm asking for the variance, yes or no.

Mr. DellalCorte: Would condition of a privacy fence be something that you would consider?

Mr. Casella: He has to put up a fence anyway.

Mr. Juliano: I don't see a problem with a privacy fence quite honestly. We are going to do a fence anyway.

Mr. Casella: They are required by law anyway.

Mr. Juliano: By law the fence has to be 48" high for the pool. We can do that. If we wanted to go higher, would that be another variance? Once I get an approval we will get a building permit and begin. That pool is not even going to be used until the summer. I really feel a little disappointed because I thought we conceded quite a bit. Everyone there pays their taxes and do the right thing.

Mr. Casella: There's no question about people paying taxes.

- Mr. Juliano: I don't see anybody against this either, Al. I thought we agreed upon this the last time.
- Mr. Casella: I'm going to have to disagree with you because we didn't come to that agreement. You may have said if I meet the setback for the side yard. That's not what we talked about.
- Mr. Juliano: What I said the last time is here's a new set of plans and I will concede to the side yard.
- Mr. Casella: I don't have any problem putting the pool in it's just the location. That's the only issue that I have.
- Mr. Juliano: If I met the setback I wouldn't need to come here if I put it in the side yard. Is that correct?
- Mr. Casella: Yes.
- Mr. Juliano: The difference is I'm asking so I can put it in the side yard. That's all that I am asking for. I'm not asking for anything in the front yard. In other words, legally I could do it if I had the setbacks. I would just get a building permit and do it but I'm asking you as gentlemen and as a Board. I don't see what the problem is. I don't want to sound argumentative, I just want a discussion.
- Mr. Haas: Can we just firm up the thought about a privacy fence? If the privacy fence follow the outer contour of the patio pad not at the pole but the outer contour 4 feet fence that was okay. Would that be acceptable for privacy?
- Mr. Shah: Yes, what I'm talking about is privacy for the people walking around. I think so.
- Mr. Haas: We can make that as a condition with a 4 feet wall to the outer contour of the patio pad.
- Mr. Juliano: I have it worked out for you. I have it going to the contour of the wall.
- Discussion continues.
- Mr. Casella: Bob, we are not trying to hurt your quality of work.

- Mr. Juliano: I have no problem with a privacy fence but I have to tell you I feel a little bit taken back. Mr. Shah, if you neighbor and your friend didn't want it he should have been here.
- Mr. Shah: I'm not talking about my neighbor anymore.
- Mr. Juliano: Let me say what I'm getting railroaded for. I'm sorry, I disagree but I'll put the privacy fence in. I don't want to make another set of plans so I'll put it in and it will be a 4 feet solid fence around the pool.
- Mr. DellaCorte: I think we are pretty close here.
- Mr. Casella: We are trying to work with you here and you are getting frustrated at the Board.
- Mr. Juliano: I am getting frustrated. If I didn't need a variance the pool would be put on the side of the house.
- Mr. Casella: Then you wouldn't be here. You have a choice here. We have four Board member so if you would like to go forward you will have to have 3 to 1.
- Mr. Haas: Accept that Pete recuse himself.
- Mr. Juliano: Like I said I have no problem with a privacy fence.
- Mr. Haas: We seem to have disconnect between last time and this time and running around a not defined set of plans. Why don't we consider tabling the decision until we have the condition on paper?
- Mr. Casella: You mean the fence?
- Mr. Haas: Yes.
- Mr. Casella: We can do that too. We can close the Public Hearing.
- Mrs. Ogunti: You don't want to close the Public Hearing.
- Mr. Casella: We can adjourn the Public Hearing. Right now time is of the essence.
- Mr. Juliano: Time is a problem.

- Mr. Casella: Bob, do you want to see the fence on the drawing?
- Mr. Haas: I don't want to see another miscommunication where he said, you said that and we don't understand what we don't say.
- Mr. Juliano: The Building Department will take care of the fence.
- Mr. Casella: What we are going to do is ask for a short break for consultation.
- Mrs. Ogunti: Let's do the discussion and go into executive session later. We need to get the four discussions done and get these people out of here.
- Mr. Casella: You want to do that.
- Mr. DellaCorte: Yes, I agree with Bea.
- Mr. Casella: Is that agreeable with you Bob?
- Mr. Juliano: Yes.
- Mr. Haas:** **Motion to go into Executive Session for legal advice.**  
Mr. DellaCorte: Second the Motion.  
Vote: All present voted Aye.
- Mr. Haas:** **Motion to come out of Executive Session.**  
Mr. Shah: Second the Motion.  
Vote: All present voted Aye.
- Mr. Casella: We have a compromise for you. The proposal would be you can put the pool where the pool is today with no change to Plan B. It can stay on the side yard however, what we would like to see is the fence that goes around can go as high as 6 feet with a 4 feet minimum. For the patio, we would like it to go behind. Are you agreeable to that?
- Mr. Juliano: That's fine.
- Mr. DellaCorte: The other condition was no more than a 4 feet concrete wall in the front.
- Mr. Juliano: I can go higher in the back.

Mr. Haas: You can do whatever you want in the back.

Mr. Casella: I don't know if you want to check with Mr. Bottini or you can make that decision.

Mr. Juliano: I can make that decision.

Mr. Haas: So you are agreeable?

Mr. Juliano: Yes.

Mr. Casella: I will now entertain a motion to either grant or deny this variance.

**Mr. Haas: Motion to grant the applicant the variance of 13'2" for the installation of an in ground pool. CONDITION: The pool shown on the plan shall be set behind the bay window of the house that defines the front yard. The patio in front of the pool shall be no wider than 4 feet. A privacy fence following the outer line of the patio shall be a minimum of 4 feet and up to 6 feet. The seating area on the patio shall be removed to the rear of the pool.**

Mr. DellaCorte: Second the Motion.

Roll Call Vote:	Mr. Shah	YES
	Mr. DellaCorte	YES
	Mr. Haas	YES
	Mr. Casella	YES

**Discussion:**

**Appeal No. 19-7690 (Variance)**

**Anthony & Danielle Jennette:** Seeking an area variance Sections 240-37 and 240-30B of District Regulations in an R40 Zoning District.

**-Where no more than two accessory buildings shall be permitted in any 1-family residential district. No such accessory building shall have a footprint greater than 600 square feet nor a height in excess of 20 feet. The applicant is proposing a 24' x 36' feet 3-car garage (864 sf.), thus requesting a variance of 264 square feet.**

**-Where no more than two accessory buildings shall be permitted in any 1-family residential district. No such accessory building shall have a footprint greater than 600 square feet nor a height in excess of 20 feet. The applicant can provide 22 feet in height for the construction of a 3-car garage, thus requesting a variance for 2 feet.**

-Where **50 feet** is required to the front yard, the applicant can provide **32 feet** for the construction of a 3-car garage, thus requesting a variance of **18 feet**.

**-Where no accessory structure is permitted in the front yard, the applicant is requesting a variance to allow for the construction of a 3-car garage in the front yard.**

The property is located at **29 Vandewater Drive** and is identified as **Tax Grid No.: 6259-04-757238** in the Town of Wappinger.

Mr. Casella: Good evening.

Mr. Jennette: Good evening. I'm trying to put up a 3-car garage in the front of my house. The only thing is I have over 600 square feet.

Mr. Casella: Is there a reason why it is 8 feet away from the house?

Mr. Jennette: I just wanted a little breezeway.

Mr. Haas: Does the current house have a garage?

Mr. Jennette: My house currently does not have a garage. I have a basement.

Mr. Haas: You have an address on Vandewater Drive but your driveway is on Corbin Street. So which is the front of the house?

Mr. Jennette: The front of the house is straight ahead of Corbin.

Mr. Haas: It's not clear to me where this building is. Can you come up here and show us.

Discussion continues.

- Mr. Casella: Is there a reason why you are looking for a 3-car versus a 2-car garage?
- Mr. Jennette: To tell you the truth it's for extra storage. I have a big basement and it goes to the length of the house and I have a lot of stuff down there. I have two cars as it is.
- Mr. Haas: One of the functions of the Board is to try to reduce variance. Who decided this is in the front yard? Was that Barbara?
- Mr. Jennette: Yes, Barbara.
- Mr. Haas: Is there any way you can get the front of the garage behind that line? Then you won't need a front yard variance.
- Mr. Jennette: I wasn't sure where the front line was when I was talking to her.
- Mr. Haas: So that's not clear.
- Mr. DellaCorte: I saw your drawing two seconds ago. Is that garage going to be where Corbin and Vandewater meets?
- Mr. Jennette: No, it's going to be on the opposite side.
- Mr. DellaCorte: Facing Corbin.
- Mr. Jennette: Yes.
- Mr. Casella: Do you have it staked out by any chance?
- Mr. Jennette: I don't but I was going to do it.
- Mr. Casella: You have a number of variances here and we don't want to set a precedence. We don't want someone else coming here and saying you did it for my neighbor why can't you do it for me.
- Mr. Jennette: I understand.
- Mr. Casella: Go ahead and stake it out and we will do a site visit.
- Mr. Haas: Normally, we will do a Public Hearing for the next Zoning Board meeting but there are so many variances here

and I think we really need to look at it again. I'm not comfortable scheduling the Public Hearing for the next meeting. Are you in a hurry to build this thing?

Mr. Jennette: To tell you the truth it's getting a little cold out already. I've been going through this process for a couple of months now. I can wait until the spring but I would rather get it done now.

Mr. Casella: I would like to schedule the Public Hearing to move this thing along. We will schedule the site visit for this Saturday, November 16<sup>th</sup> and set the Public Hearing for November 26<sup>th</sup>.

**Appeal No. 19-7691 (Variance)**

**Edward Collins**: Seeking an area variance Section 240-37 of the District Regulations in an R40/80 Zoning District.

-Where **50 feet** is required to the rear yard, the applicant can provide **2 feet** for the legalization of a garage, thus requesting a variance of **48 feet**.

-Where **40 feet** is required to the side yard, the applicant can provide **4.6 feet** for the legalization of a garage, thus requesting a variance of **35.4 feet**.

-Where **40 feet** is required to the side yard, the applicant can provide **38.6 feet** for the legalization of a garage, thus requesting a variance of **1.4 feet**.

-Where **50 feet** is required to the front yard, the applicant can provide **25.1 feet** for the legalization of a three season room, thus requesting a variance of **24.9 feet**.

The property is located at **2 Hamilton Road** and is identified as **Tax Grid No.: 6157-01-032872** in the Town of Wappinger.

Mr. Casella: Good evening Mr. Collins. Come on down.

Mr. Collins: Good evening.

Mr. Casella: I'm assuming that the garage is already there.

Mr. Collins: Yes, it's a shed and I don't consider it a garage. It's not even quit 6 feet tall. It was a shed that was used by my father.

Mr. Haas: I was going to ask you a question when these were built then I saw it in here some place that it was in 1945.

Mr. Collins: My neighbor next to me father had a piece of a survey map and she gave me a copy and she said there had always been sheds on it. It showed sheds where our

driveways were. It was all greenhouses around. As far as the porch goes my father had a screened in 3-season room put on. The house is close to the road and the porch sits back about 2 feet so obviously it won't meet code.

Mr. Casella: It probably predates zoning. So you are trying to sell the house.

Mr. Collins: We were selling the house and we were in contract and they were asking all of these questions like do they have a survey. I said whatever is at Town Hall is what we got. My lawyer told me to go to the Town of Wappinger and they will have to walk the property. Once I did that I found out that I have to have a survey, get a building permit, then get denied and that I need a variance. Here I am and right now I am paying just to keep buyers on.

Mr. DellaCorte: On the survey that you provided it says property owner, Steve VanTassel.

Mr. Collins: That would be my neighbor. What's on this that pertains to us?

Mr. DellaCorte: Why don't you come up and show us.

Mr. Collins: We own the front and the back lot but they are still two separate lots and this is my neighbor's.

Mr. Casella: Are you talking about the two in the box?

Mr. Collins: Her garage is right on the property and it was built in 1953.

Mr. DellaCorte: That confused me when you said being on your neighbor's property that confused me. Okay, thank you.

Mr. Collins: They have no problem with this.

Mr. Casella: If you are not there could you stake out your property so we can see where everything is. We are going to do a site visit as well about 9:15am.

Mr. Collins: My neighbor also just had her survey done and she offered for them to use her survey but I was told I

needed my own survey. I just had my survey done and I think the sticks are still there.

Mr. Casella:

If the sticks are not there could you just mark it so we can see where it is. We will do a site visit on Saturday around 9:15am and your Public Hearing on November 26<sup>th</sup>.

**Appeal No. 19-7692 (Variance)**

**Fred Thomas**: Seeking an area variance Section 240-57-A (i) (a) of the District Regulations in an R20/40 Zoning District.

-Where **50 percent** of house footprint of **2,034 square feet** % 2 = **1,017 square feet** is required, the applicant can provide 2 arrays totaling **1,252.78 square feet** for the installation of ground solar array, thus requesting a variance of **235.78 square feet**.

The property is located at **197 Riverview Drive** and is identified as **Tax Grid No. 6256-02-772840** in the Town of Wappinger.

Present: Bob Hamill – Applicant Representative

Mr. Casella: Good evening.

Mr. Hamill: Hi, my name is Bob Hamill and I'm speaking on behalf of Fred Thomas.

Mr. Casella: Please tell us what you are going to do here. I know I read the description but perhaps there are details you would like to add.

Mr. Hamill: What we are looking to do is add to an existing ground mounted solar array that's on the property which is half the size of what is there now. I know we are exceeding the regulations regarding square footage but the property is 15 acres and you can't even see the existing solar array from the road.

Mr. DellaCorte: You say there's already an array there?

Mr. Hamill: Yes.

Mr. DellaCorte: Is that already approved?

Mr. Thomas: That was installed in 2012 prior to the ground mounted solar regulations.

Mrs. Ogunti: They were before the Planning Board for a Special Use Permit for the additional solar panels and they referred them to you for the 50 percent of the house footprint.

- Mr. Haas: It is bigger than 50 percent of the house.
- Mr. Hamill: It is a small house but it uses a lot of electricity and this array will offset 100 percent of their utility bill.
- Mr. DellaCorte: Are we adding to the array that you already have and is that number included in here or is it a completely separate number?
- Mr. Hamill: No, this is the combined square footage for both.
- Mr. DellaCorte: Okay, the address is Fishkill, New York but it is in the Town of Wappinger.
- Mr. Hamill: Correct.
- Mr. Casella: Are there any other questions from the Board?
- Mr. Shah: This is not for commercial use and it is just for residential use?
- Mr. Hamill: This is pure residential use. The arrays are only about 9 feet off the back.
- Mr. Casella: That's enough to supply the entire house.
- Mr. Thomas: The house was built with the intent of having electric heat and now I would like to get zero electricity.
- Mr. Haas: There is a limit to having something built like that in the arrays size.
- Mr. Hamill: Utilities won't let you go over 110%.
- Mr. Haas: You can't sell power essentially.
- Mr. Casella: On the 15 acres, is it right off the street? I'm sure it in the back where you can't see it.
- Mr. Thomas: If you drove up to the end of the Town road towards my property, even now with the leaves off the trees you could not see it from the road.
- Mr. Hamill: I thought I was driving in the woods when I first went there.
- Mr. Casella: We will be there on Saturday around 9:00-9:30am to do a site inspection and your Public Hearing will be on November 26<sup>th</sup>.

- Mr. Haas: Does that work for you guys?
- Mr. Hamill: Yes, we are on a bit of a time constraint and we wanted to get the system built before the end of this year because of the Federal Tax credit drops from 30% to 26% so there's real money lost.
- Mr. Casella: I understand but you won't get it until the Public Hearing November 26<sup>th</sup> and a decision will be made that night.
- Mr. Hamill: Then we will be able to get the permit then?
- Mr. DellaCorte: Bea will be able to tell you exactly when your paperwork will be ready.
- Mr. Casella: It maybe a couple of days after the decision is made based on the paperwork she has to do. It's not like a week or month that you have to wait.
- Mr. Hamill: Thank you.

**Appeal No. 19-7693 (Variance)**

**Janet Marie Wilson**: Seeking an area variance Section 240-37 of the District Regulations in an R80 Zoning District.

-Where **40 feet** is required to the side yard, the applicant can provide **37'6"** for the construction of an 8' x 13' enclosed porch, thus requesting a variance of **2'6"**.

The property is located at **384 Cedar Hill Road** and is identified as **Tax Grid No.: 6256-01-271816** in the Town of Wappinger.

- Mr. Casella: Good evening. Please come up and state your name for the record.
- Mr. LaDue: Good evening. My name is Glenn LaDue and I live in West Park, New York. I was a resident of Cedar Hill Road and Smithtown Road. This is my sister's property and we are trying to construct a small 8' x 13' extension more like an enclosed porch area. The paperwork says 2'4" it should be 2'6".
- Mr. DellaCorte: It is 37'6".
- Mr. LaDue: I'm requesting a 2'6" variance.
- Mr. DellaCorte: Is that right, Bea.

- Mr. Shah: It should be 2'6" variance and he can provide 37'6".
- Mrs. Ogunti: It's a 40 feet setback and he can provide 37'6" so the variance is 2'4".
- Mr. Shah: It should be 2'6" so this is wrong because it's not decimal.
- Mrs. Ogunti: Okay, I'll make that change and update the Public Hearing notice.
- Mr. Casella: Now that we have this straightened out. Is there any kind of porch there today? Is this going to be new?
- Mr. LaDue: There's a concrete slab out there.
- Mr. Casella: Is that all there today?
- Mr. LaDue: Yes.
- Mr. DellaCorte: I don't see on the drawing where this is going to go.
- Mr. LaDue: It's going right here.
- Mr. DellaCorte: Okay, I do see it.
- Mr. Haas: What is the reason for this? Okay, I see it. It's an ease of access. So it's just a place to get out of the weather on the way in to the house?
- Mr. Casella: Where will the steps go? Are they coming out from the side?
- Mr. LaDue: It's ground level.
- Mr. Casella: Oh, so you walk right in.
- Mr. LaDue: Yes.
- Mr. Haas: So you are putting cover over an existing platform?
- Mr. LaDue: It doesn't have any frames. It's just a slab that moves.
- Mr. Haas: Are you are going to dig it up and put something with footings?
- Mr. LaDue: Yes, frost wall.

Mr. Haas: Okay. Is there a door there now to go into the house?

Mr. LaDue: Yes, a sliding door. The Southern Dutchess Gun Club is right next door. My sister has been there for about 50 years.

Mr. Casella: Is this going to be a 3-season room for use in the summer time? Are you going to have heat out there?

Mr. Haas: It's a place to hang out on the other side from the guns.

Mr. LaDue: She could hang out on the other side. She has a deck she can't use. She's older and needs another access in the other side of the house. A week ago her husband passed away and before that to get him out of the house she had to go down a ramp. This will have easy access so there won't be any significant steps to get in.

Mr. Casella: How much property do you have?

Mr. LaDue: I really don't know.

Mr. DellaCorte: Just to be clear, one paper says to be enclosed and unheated and on the other page it's crossed out and you said heated.

Mr. LaDue: It's going to be heated.

Mr. Casella: We have to make sure that both papers say the same.

Mr. LaDue: She has a lot of outdoor plans she wants to be able to bring in the winter time.

Mr. Casella: You are better of saying it's going to be heated and if you do it you already got the approval.

Mr. LaDue: Yes, it was going to be unheated and we changed to heated.

Mr. Casella: We will do a site visit on Saturday around 10:00a.m., and your Public Hearing will be on November 26<sup>th</sup>.

**Mr. Haas:**  
Mr. Shah:  
Vote:

**Motion to adjourn.**  
Second the Motion.  
All present voted Aye.

Respectfully Submitted,

Adjourned: 8:22 pm

Bea Ogunti  
Secretary  
Zoning Board of Appeals