



ten feet off the state road. The property then gently slopes up and there is a tree line about 30 or 40 feet from the state road and the structure is about 10 or 15 feet from that.

Mr. Johnson asked what the distance is from the stone retaining wall that the state has in place now to the proposed handicapped access. Mr. Farrell said it is about 50 feet. Mr. Johnson said the state has a large right of way in front of the building and the handicapped ramp would not actually be 4' from Route 376. Mr. Farrell said that was correct, it would be more like 60' from the road.

Ms. Swanson asked what is planned for screening from Route 376. Mr. Farrell said a landscape architect has been working on this but not too much has been done yet because they were waiting to see if their proposal would be feasible. They will be putting in shrubs, etc. per what the Planning Board requires. Ms. Swanson asked, even though it will be the front entrance to the building would they still have screening there? Mr. Farrell said he assumed so.

Mr. Johnson asked if there was anyone in the audience who wished to speak for or against the application. There being no public comments, Mr. Zeidan made a motion to close the public hearing. Mr. McPeck seconded and the motion carried unanimously.  
PUBLIC HEARING CLOSED

Ms. Swanson stated for the record that she went out to look at the property that day.

Mr. Johnson said when he was looking at the neighborhood, he saw that it is largely a commercial area. There is a professional office next door and a there is a pool company close by. The building itself looks to be in good shape and is of a historic appearance. He feels it would be nice to improve the appearance of the lot.

Mr. Johnson said there are alternative methods for achieving the handicapped ramp but that would require moving handicapped people through an area that is not meant for general public access and would also require some physical alterations to the building because this access would not be on the same level as the floor of the building where the public would be expected to be located. Also the handicapped bathroom is in this other area. The proposed access through the main door and providing easy access and wide passage ways is definitely a positive aspect.

The variance requested is substantial but is largely required because of a taking by the state of a substantial amount of the property. The actual setback from the road is much greater than the setback from the property line. Given the structures that the state has put into place, it does not appear that they will be expanding the road in any particular time soon.

Putting the ramp in by itself does not appear to have any particular physical or environmental impact on the neighborhood. The improvement to the building will be beneficial to the neighborhood.

The variance requested is self created in that the building setbacks have been known for a number of years, however the preceding arguments indicating that the variance will



Mr. Zeidan asked if the pool would be about 4 feet from the side of the deck. Ms. Brandow said that is what she thought. He asked if they were planning on building around it. She said no. They were planning on putting stairs going down.

Mr. Johnson asked if there was anyone in the audience who wished to speak for or against the application. There being no public comments, Mr. Johnson made a motion to close the public hearing. Mr. Zeidan seconded and the motion carried unanimously.  
**PUBLIC HEARING CLOSED**

Mr. Johnson said a response had been received from Dutchess County Planning and Development that stated it is a matter of local concern.

Mr. Johnson said in terms of the findings, the pool is in character with the surrounding neighborhood and it does not appear likely it will change the character in any way. The next door neighbor apparently does not appear to have any problem with this location so there does not appear to be any detriment to nearby properties.

There are other places the pool could go, however there seem to be a number of positives for this particular location, i.e. being able to see the pool from the house, lighting and its relationship to the trees in the area. It is also a benefit to have the pool on the applicant's property.

The variance is substantial, however with pools and sheds, etc. 8 feet is not unreasonable in terms of other variances that have been granted.

The pool does not appear to have much of an impact on the physical or environmental conditions of the neighborhood, there being a lake close by.

The location is self created because the applicants have owned the property for a while and were aware of the physical limitations when they bought it, but that is not an over-riding issue for an area variance.

Mr. Johnson asked if any of the board wished to make any additions to the findings.

Ms. Swanson said she would like added to "character of the neighborhood" the fact that there are a lot of trees on the property that would make the pool invisible from the road and probably from the neighbors as well.

Mr. McPeck made a motion to grant Glen Brandow relief of 12' from the property line in order to relocate an above ground pool with a proposed setback of 8' from the property line located at 252 Overlook Road. Mr. Zeidan seconded and the motion carried unanimously. **AREA VARIANCE GRANTED**

06-09-03      **AREA VARIANCE: CONSTANTINE VANIKIOTIS, 16 WOODS END ROAD, LAGRANGEVILLE, NEW YORK Grid No. 6460-04-877280**  
Seeking relief of 35' from the property line in order to construct an inground pool with a proposed setback of 5' from the property line.

Constantine Vanikiotis was present to represent the application. Mr. Vanikiotis was sworn in by Mr. Zeidan.

Mr. Johnson said a letter had been received from Dutchess County Department of Planning and Development indicating this is a matter of local concern.

Mr. Johnson asked Mr. Vanikiotis to describe the general layout of the property and why the pool needs to go where it is indicated.

Mr. Vanikiotis said the lot is pie shaped towards the front of the house. Most of the property is in the DEC wetland. The house is in the buffer and there is a wall that is 16' where the pool is proposed to go. As you look at it, the left hand side is very tight. There is 18' from the back of the house to the wall. He believes that is the only spot for the pool, right by the driveway. Most of the sun does hit that side of the house.

Mr. Johnson said as he understands it, the property is generally pie shaped and the larger area of the pie is either in a NYS wetland or in the buffer area of the wetland. Where he is proposing to put the pool is behind an existing stone wall so that will be keeping the pool as far away from the wetland as he can possibly get it. Mr. Vanikiotis said that is correct and it will not be infringing on any wetland area because it is inside the wall. Mr. Johnson asked Mr. Vanikiotis to describe the edge of the land between his property and the neighbor's property. Mr. Vanikiotis said there is a buffer of wooded trees between the neighbor's house and the pool and then his driveway and house.

Mr. Zeidan said he was out to see the property. There is an opening down below that he thought was Mr. Vanikiotis' property but after speaking to Mrs. Vanikiotis he understood it was mostly not their property. He said after looking around the property there is really no other place for the pool to go because of the wetland.

Ms. Swanson said she also went out there that afternoon. She spoke to Mrs. Vanikiotis and she said part of the house is in the buffer and that permission had been given to build the house in the buffer and the wall was set up as part of the approval for the house. Mr. Vanikiotis said that was correct. Ms. Swanson continued as she understood it, some of the pavement in the driveway would be dug up to allow for the pool. Mr. Vanikiotis said some of the driveway is cut away; it takes a larger loop out. It is cut back towards the house so the area around the pool will be open. He said the third bay of the garage may not be 100 percent usable because of the pool. Ms. Swanson asked if Mr. Vanikiotis knew exactly where the pool would go. Mr. Vanikiotis said that is where it would go. It will be 5 feet from the property line. It will be an inground kidney shaped pool that will fit into the natural flow of the land. It will possibly be gunnite or a liner that will have a natural look to the property. He said the shape depicted on the plan might not be exactly how it will end up but it is the exact area.

Mr. McPeck said a lot of homes on the road have pools.

Mr. Johnson asked if anyone in the audience wished to speak for or against the application. There being no comments, Mr. Johnson made a motion to close the public

hearing. Mr. Zeidan seconded and the motion carried unanimously. PUBLIC HEARING CLOSED

Mr. Johnson said in terms of the findings, basically adding a well landscaped inground pool seems to be in character with the neighborhood and would not obviously be a detriment to nearby properties. The next door neighbors have not indicated any problems with this application. Because of the special circumstances with the house being very close to a New York State regulated wetland it appears that the house was designed with a distinct break between the developed areas and the less developed areas denoted by a retaining wall. The location of the pool in the more developed area is consistent with the original ideas of the house when it was developed. The variance requested is substantial, however the lots in the area are fairly large and this particular lot is constrained by the wetlands and the topography in general. The neighbors' houses are all in place and the setbacks from the surrounding neighbors are well established so even though it is a substantial variance, it is still within reason of what the board has been granting in the past.

Putting the pool in does not appear to have much of an impact on the physical or environmental conditions of the neighborhood and may mitigate some of the possibilities by keeping the pool out of the wetland areas.

The difficulty is self created but that is not an over-riding problem for getting an area variance.

Ms. Swanson wanted it noted that the pool would be replacing some blacktop which would be a plus environmentally as it will not be taking up areas of grass or where water can filter down to the aquifer.

Given the findings, Mr. Zeidan made a motion to grant Constantine Vanikiotis relief of 35 feet to construct an inground pool with a proposed setback of 5' from the property line. Mr. Johnson seconded and the motion carried unanimously. AREA VARIANCE GRANTED

There being no other business before the board, Mr. Johnson made a motion to adjourn the meeting at 8:13 p.m. Mr. Zeidan seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley  
Zoning Board of Appeals Secretary