

**MINUTES**

**Town of Wappinger  
Zoning Board of Appeals  
August 13, 2013**

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

**Summarized Minutes**

**Members:**

Mr. Prager	Chairman
Mr. Della Corte	Member
Mr. Casella	Member
Mr. Johnston	Member
Mr. Galotti	Member

**Others Present:**

Mrs. Barbara Roberti	Zoning Administrator
Ms. Sue Rose	Secretary

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**SUMMARY**

Catherine Kalinski	Granted
Michael Smith	Granted
Jay Rusnock	Public Hearing August 27 <sup>th</sup> & Site Visit

Mr. Prager: I would like to call the Town of Wappinger Zoning Board of Appeals to order. Roll call please.

Ms. Rose: Howard Prager-----Here  
Tom Della Corte- --Here  
Al Casella-----Here  
Bob Johnston-----Here  
Peter Galotti-----Here

Mr. Prager: First on the agenda is a Public Hearing for:

**Appeal No. 13-7501**

**Catherine Kalinski-** Is seeking an area variance of Section 240-37 of Zoning Regulation in an R-15 Zoning District.

-Where the maximum size of an accessory apartment shall be subordinate in area to the principal dwelling and shall not exceed **35%** of the gross floor area of said principal dwelling and in no event exceed 1,000 square feet of gross floor area, the applicant can provide **40%**, thus requesting a **5%** variance.

The property is located at **8 Midge Drive** and is identified by Tax Grid No. **6156-01-445721** in the Town of Wappinger.

Mr. Prager: Sue are all the mailings in order?

Ms. Rose: Yes sir.

Mr. Prager: Can I have a motion to open the Public Hearing?

**Mr. Galotti: I make a motion to open the Public Hearing.**

**Mr. Johnston: Second.**

**Mr. Prager: All in favor?**

**Board: Aye.**

Mr. Prager: Please come up and state your name, address and why you need this variance.

Ms. Kalinski: My name is Cathy Kalinski I live at 8 Midge Drive. I bought the house in 1986. They said it was a legal Mother/Daughter but not a legal two family. My sister has lived down stairs since I purchased the house.

There are no locks between the apartments. We have dinner together every night. The kids are up and down. The dogs are up and down. This all started when I had a new furnace put in. They inspected the furnace and said I have an illegal apartment. They called the second kitchen a summer kitchen when I bought the house.

Mr. Prager: Does anyone on the board have any questions?

Mr. Johnston: When did you purchase the house?

Ms. Kalinski: 1986.

Mr. Prager: This is nothing you added on.

Ms. Kalinski: No, it was already in the house and we have been living like this since.

Mr. Prager: Is there anyone in the audience for or against this variance.

Mr. Prager: Let the record show there is no one in the audience for or against this variance.

Mr. Prager: Do I have a motion to close the Public Hearing?

**Mr. Johnston: I make a motion to close the Public Hearing.**

**Mr. Casella: Second.**

**Mr. Prager: All in favor?**

**Board: Aye.**

Mr. Prager: Do I have a motion to grant or deny this variance?

**Mr. Galotti: I make a motion to grant this variance.**

**Mr. Johnston: Second.**

Mr. Prager: Roll call vote.

<b>Ms. Rose:</b>	<b>Tom Della Corte</b>	<b>Aye</b>
	<b>Bob Johnston</b>	<b>Aye</b>
	<b>Al Casella</b>	<b>Aye</b>
	<b>Peter Galotti</b>	<b>Aye</b>

**Howard Prager:**

**Aye**

Mr. Prager: Next on the agenda is another Public Hearing on:

**Appeal No. 13-7502**

**Michael Smith**-Is seeking an area variance of Section 240-37 of Zoning Regulation in an R-40/80 Zoning District.

-Where **50 feet** to the front yard property line is required, the applicant can only provide **39 feet**, thus requesting an **11 foot** variance for the installation of a **20 x 34 foot above ground pool with deck.**

-Where **50 feet** to the rear yard property line is required, the applicant can only provide **39 feet**, thus requesting an **11 foot** variance for the installation of a **20 X 34 foot above ground pool with deck.**

-Where **40 foot** to the side yard property line is required, the applicant can only provide **22 feet**, thus requesting an **18 foot** variance for the installation of a **20 X 34 foot above ground pool with deck.**

The property is located at **47 Marlerville Road** and is identified by Tax Grid No. **6157-01-008835** in the Town of Wappinger.

Mr. Prager: Sue are all the mailings in order?

Ms. Rose: Yes sir.

Mr. Prager: Can I have a motion to open the Public Hearing?

Mr. Casella: I make a motion to open the Public Hearing.

Mr. Johnston: Second.

Mr. Prager: All in favor?

Board: Aye.

Mr. Prager: Please come up and state your name for the record and why you need this variance.

Mr. Smith: Michael Smith.

Mr. Prager: We did do a site visit.

Mr. Smith: My property is a small lot in a larger zoning area. I am trying to put in a 20 X 34 above ground pool with a deck. I have it in the best spot. I don't want it further back on the property because it is shady and the trees would give off a lot of debris. I believe the spot I picked is the best spot.

Mr. Prager: You do have more property in the front of the house except it is the town property. It really isn't as bad as it sounds.

Mr. Galotti: Is the 20 X 34 the whole pool including the deck?

Mr. Smith: Yes.

Mr. Prager: Any questions from the audience?

Mr. Prager: Let the record show there is no one in the audience for or against this variance.

Mr. Prager: Do I have a motion to close the Public Hearing?

**Mr. Casella: I make a motion to close the Public Hearing.**

**Mr. Johnston: Second.**

**Mr. Prager: All in favor?**

**Board: Aye.**

Mr. Prager: Can I have a motion to grant or deny this variance?

**Mr. Casella: I make a motion to grant this variance.**

**Mr. Galotti: Second.**

**Mr. Prager: Roll call vote.**

<b>Ms. Rose:</b>	<b>Tom Della Corte</b>	<b>Aye</b>
	<b>Bob Johnston</b>	<b>Aye</b>
	<b>Al Casella</b>	<b>Aye</b>
	<b>Peter Galotti</b>	<b>Aye</b>
	<b>Howard Prager</b>	<b>Aye</b>

Mr. Prager: Next on the agenda is a discussion on:

**Appeal No. 13-7506**

**Jay Rusnock**- Is seeking an area variance of Section 240-37 of Zoning Regulation in an R- 40 Zoning District.

-Where a **50 foot rear yard** setback is required for the expansion of the existing deck from **4' X 8' to 12' X 16'**, the applicant can only provide **39 feet** thus requesting an **11 foot** variance.

The property is located at **36 Alfreda Drive** and is identified by Tax Grid No. **6157-03-130494** in the Town of Wappinger.

Mr. Prager: Please come up and state your name for the record.

Mr. Rusnock: My name is Jay Rusnock.

Mr. Prager: I see here that you want to expand your existing deck.

Mr. Rusnock: Yes, what I would like to do is go out to a deck that I can put a table and some chairs.

Mr. Prager: From the picture, you have a very small deck.

Mr. Rusnock: What you are seeing is a 4 X 8 walkway. If you continue down and to the other side, there is a deck in that corner. What I have to do is walk out the kitchen door and turn left and go all the way down there. (Pointing to a picture.) I thought it would be nice to have a deck off the kitchen door. Also, from the pictures you can see it is very private there.

Mr. Prager: Are you doing steps too?

Mr. Rusnock: Yes.

Mr. Casella: From the pictures, I see you have a wooded area behind your house. How far back is your property? Does it go beyond the woods?

Mr. Rusnock: Looking at the map, it is almost to the other house.

Mr. Casella: Will the steps be coming down by the air conditioning side?

Mr. Rusnock: Yes, the air conditioning side.

Mr. Prager: Is this marked out yet?

- Mr. Rusnock: No but I will.
- Mr. Prager: We will have a site visit this Saturday.
- Mr. Galotti: Can you mark out your property line?
- Mr. Rusnock: I know where the corner markers are. I also can show you on a map.
- Mr. Della Corte: Are you leaving the existing deck?
- Mr. Rusnock: The 4 X 8 feet is coming out and being replaced with the 12 X 16.
- Mr. Prager: How big is you lot?
- Mrs. Roberti: 1.11 acres.
- Mr. Prager: The Public Hearing will be at the next meeting.
- Mr. Prager: Can I have a motion to adjourn this meeting?
- Mr. Casella: I make a motion to adjourn this meeting.**
- Mr. Johnston: Second.**
- Mr. Prager: All in favor?**
- Board: Aye.**

Respectfully Submitted,

Susan Rose, Secretary  
Zoning Board of Appeals