Town of East Fishkill

**ZONING BOARD OF APPEALS**

January 24, 2023

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were Aziz Ahsan, Alberto Paratore, Rocco Limitone, and Norma Drummond. Michael Cunningham, Esq., Town Attorney; Matt Rickett, Zoning Administrator; and Jackie Keenan, Clerk, were also present.

Chairperson Drummond led the meeting with the Pledge of Allegiance.

**CHAIRPERSON’S COMMENTS:**

Chairperson Drummond wished everyone a Happy New Year. There is one vacancy on the Board and also an opening for an alternate. If anyone is interested, please send their resume to the Town Supervisor. The next meetings would be Tuesday, February 28, 2023, and Tuesday, March 28, 2023. She stated that in the event of snow, if the Town Hall is closed the meeting is canceled and rescheduled for the following month. Everything from the agenda will just be transferred over.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held November 22, 2022 as amended. Voted and carried unanimously.

Chairperson Drummond went through the procedures for the meeting. She stated that the first part of the meeting is Adjourned Public Hearings and first time Public Hearings, which are applications that this Board has already had the opportunity to review. Neighbors are then noticed and have the opportunity to tell the Board anything they may not be aware of. They know the property better than the Board may. The next part of this meeting will be reviews. These are generally the first time this Board has had the chance to see the application. After the review of the information, they will schedule it for a Public Hearing. There is no public comment on any reviews this evening. They will be given the opportunity to speak at the appropriate time.

**ADJOURNED PUBLIC HEARINGS:**

**ADJOURNED PUBLIC HEARING - Appeal 4045 – Sabato Vivenzio (6557-014-468699)**

Sabato Vivenzio, 6 Americana Blvd, Hopewell, is requesting a 7’ side line and a 21’ rear line variance for a proposed 24’X30’ (720 sf) detached garage, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Mr. Vivenzio was present.**

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to re-open this Adjourned Public Hearing. Voted and carried unanimously.

Chairperson Drummond stated they did review this application last month. There is a neighbor that expressed some concerns. There are a significant amount of materials being stored in the applicant's yard, but the applicant has stated he will be moving things into the structure and a lot of it is for the construction of the structure. This was originally proposed at 22 feet high and the applicant has reduced it to 19 feet high. They discussed screening and the trees that were there. There is a significant number of dead trees between the applicant and his neighbor. The applicant was asked to do an evaluation of the trees and note on the plan where the trees would be planted. He did submit that to the Board. Chairperson Drummond stated the applicant is going to put willows in because it is very wet back there and the neighbor is concerned about water collecting there. Mr. Vivenzio stated he has already purchased the trees. He will be putting in four willows and four evergreens. Chairperson Drummond stated she is not sure if the survey is accurate. The applicant spoke about putting the garage at the end of the gravel drive, but there is a significant difference between where the end of the garage is and where the current driveway is. Mr. Vivenzio stated that is not where he is proposing the garage now. Chairperson Drummond suggested he possibly superimposed the trees on the wrong survey. Mr. Rickett stated that is correct. The applicant put the trees on the June 25 survey instead of the November 7 survey.

Chairperson Drummond asked if there were any comments or questions from Board members. There were none.

Chairperson Drummond stated a letter was received from Mr. Douglas, the applicant’s neighbor. Chairperson Drummond asked Mr. Douglas if he wanted to speak or if he wanted her to read the letter. He stated the letter speaks for itself. It came with pictures and with a lot of information. She stated not all of the information in his letter was accurate. His letter spoke about his concerns of what the use of the garage was going to be for. Chairperson Drummond stated he could use tools in his yard right now. Mr. Douglas stated not right on the property line he couldn't. He stated that the size of this garage is almost the size of the house and it is right on the borderline. Chairperson Drummond stated there are a lot of detached garages in the neighborhood. It is not out of character, and some are very close to the road. There are also some very large ones. Some did get variances so they are close to property lines. Mr. Douglas stated that he is concerned he will have to look at this large of a structure. Four trees will not cover his view. By the time they do, he will no longer be here. He's not sure if anyone on the Board would want that close to their residence. Willows and evergreens will take years to grow.

Mr. Limitone stated that if you were standing at the pool, one sees emaciated trees, a plow, and other things in his backyard. With the garage there it would block the neighbor’s view of this as well and give Mr. Douglas privacy. Mr. Douglas stated this will give it more of an urban setting then the country setting that they chose when they moved here.

Mr. Ahsan stated the applicant is proposing several trees. He suggested the neighbors work together to put together a staggering plan to give Mr. Douglas more privacy. He also suggested possibly some different trees in between. Mr. Douglas stated the map shows four trees several feet apart. Mr. Limitone stated willows need to be 7 feet apart. He suggested planting Green Thuja on Mr. Douglas’ side, as it grows fast and will give plenty of privacy. Within two years they should be 13 to 14 feet high.

Chairperson Drummond asked if there were any other questions or comments. There were none.

Mr. Vivenzio stated the four trees will be approximately 20 feet high in 3 to 4 years. He will plant some evergreens in between. Willows grow big and fast.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to close this Adjourned Public Hearing. Voted and carried unanimously.

APPEAL NUMBER: 4045

APPLICANT: Sabato Vivenzio

NAME OF PROJECT: 7’ side line and 21’ rear line Variances from the Schedule of Bulk Regulations for a proposed 24’X30’ (720 sf) detached garage

LOCATION: 6 Americana Blvd, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6557-01-468699

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member ­­­­­­­­­­­­­­­­­­­­­­­­­­­­Rocco Limitone

**WHEREAS,** the Applicant has requested to build a detached garage; and

**WHEREAS,** the Applicant has proposed this garage to safely and neatly store items currently at the Property; and

**WHEREAS,** the Applicant originally requested a 22’ high garage based on aesthetic considerations, but after further consultant with his architect, reduced the proposed height to 19’; and

**WHEREAS,** the Applicant has not proposed to remove any trees to build the garage, except for dead and diseased trees; and

**WHEREAS,** this is a Type II action under SEQRA, and no further review is required; and

**WHEREAS,** the Zoning Board of Appeals held a Public Hearing on October 25, 2022 and continued the public hearing on November 22, 2022 and January 24, 2023; and

**WHEREAS,** the Legal Notice was published in the Southern Dutchess News on October 19, 2022; and

**WHEREAS,** the Zoning Board of Appeals finds that:

The granting of the Variances will not produce an undesirable change in the character of the neighborhood since the Applicant will store items in the garage rather than having them all around his lot;

The desired result cannot be achieved by other means due to the layout of the Property;

The Variances could be deemed substantial, but are mitigated by the existing tree cover and proposed landscaping additions;

The Variances will not have an adverse effect or impact on the physical or environmental conditions;

**NOW, THEREFORE, BE IT RESOLVED,** that the Zoning Board of Appeals hereby

approves the request from Sabato Vivenzio for 7’ side line and 21’ rear line Variances from the

Schedule of Bulk Regulations for a proposed 24’X30’ (720 sf) detached garage subject to the

following conditions:

1. The accessory garage shall never be converted into an accessory apartment and shall not be used as living quarters.
2. The Applicant shall install landscaping pursuant to a landscaping plan to be approved by the Town’s Engineering or Planning Departments. The landscaping shall be installed prior to the garage receiving a Certificate of Completion.

**BE IT FURTHER RESOLVED,** that within five (5) business days of the adoption of this Resolution, the Chair or other duly authorized member of the Zoning Board shall cause a copy of the Resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Zoning Board Member Aziz Ahsan

The votes were as follows:

Board Member Aziz Ahsan AYE

Board Member Rocco Limitone AYE

Board Member Alberto Paratore AYE

Chairperson Norma Drummond AYE

**ADJOURNED PUBLIC HEARING – Appeal 4048- Stuart Taub (6557-03-363139)**

Stuart Taub, 27 Falcon Crest Court, Hopewell Junction, is requesting a 20’ side line variance for a 36’ X 25’ (900 sf) detached garage pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance. Footprint of the existing house is 1,804 sq. ft.

**Michael Gillespie was present.**

**MOTION** made by Rocco Limitone, seconded by Aziz Ahsan, to re-open this Adjourned Public Hearing. Voted and carried unanimously.

Chairperson Drummond stated they held the Public Hearing at the last meeting and closed it. They then realized that the numbers were wrong. They were advertising for a 7-foot variance and in reality, they needed a 20-foot variance. The neighbors were noticed and able to speak at the last meeting, but it was for a 7 foot variance. The Board felt this was substantial enough to be re-noticed to the neighbors to allow them to comment again if they so choose. She stated that none of the material has changed, they just needed the opportunity to make the neighbors aware of the difference in the size of the variance.

Chairperson Drummond asked if there were any comments or questions from Board members. There were none.

Chairperson Drummond asked if there was anyone from the public to speak for or against this application.

Mr. Armstrong stated he lives at 24 Falcon Crest Court. They have a PO Box so never received a prior letter. He has no knowledge of anything regarding this application. Chairperson Drummond stated this would have been the second letter, as letters were sent out for the November Public Hearing.

Chairperson Drummond stated the neighbor is requesting to put up a detached garage. He has provided a plan. The building Inspector did go out and do an inspection to make sure the property was as it should be. Mr. Armstrong was able to verify that he is the property adjacent to this application. Mr. Ahsan stated this proposal is approximately 6 feet from the property line. Chairperson Drummond stated they are proposing a detached garage with the garage doors facing towards the applicant's driveway. Mr. Armstrong stated he does not want encroachment on his property rights. He needs to physically see where the structure will be situated. He needs to know the purpose of it. He also wants to make sure there is no encroachment on his property. Chairperson Drummond stated they are not coming onto his property at all. Mr. Armstrong stated he needs to see on the land exactly where they are going to situate by having it marked out. Chairperson Drummond asked if the owner was cutting down any trees to do this. Mr. Gillespie said no. Chairperson Drummond asked if there was scrub or vegetation between the property and Mr. Gillespie said yes, there is a significant amount. Mr. Armstrong stated he does not know exactly where this property is because the numbers on his street are all mixed up. Mr. Limitone showed him a picture of the applicant's house. It was determined that they are adjacent parcels. Mr. Armstrong stated he continues to oppose this as he does not know what it is for or has not known anything about it. Chairperson Drummond stated there has been a sign outside the property since November.

Mr. Ahsan asked if the applicant was planning on installing more vegetation or plantings. Mr. Gillespie stated there already is extensive vegetation, so they were not planning on putting in anything else. Mr. Gillespie stated the use is for classic car storage. It will be a three-bay garage facing the applicant's home. It is a little higher than normal to allow for a double tiered storage.

Mrs. Armstrong stated they don't actively come out of their home because they both work from home. They usually only come out at night so the sign is not something they would have seen. She stated the vegetation that is there is on their property. They do plan on doing something specific in that area and this garage could impede that. She stated they do lose out on a lot of mail packets addressed to the house as they do have a PO Box. She would have expected the neighbor to come over and discussed this in person and since that didn't happen and they did not get the first letter, they were taken a little by surprise. She asked for just a little bit more time to look at the layout and speak with the neighbor in person, or Mr. Gillespie.

Chairperson Drummond thanked Mrs. Armstrong for the explanation. It does make sense now why she may not have received the first letter. Chairperson Drummond asked if Mr. Gillespie could meet with the neighbors on-site to discuss the exact location. Mr. Gillespie said yes, he could do that.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn this Public Hearing to February 28, 2023. Voted and carried unanimously.

**ADJOURNED PUBLIC HEARING – Appeal 4050 – Keisha Duncan (6555-00-235210)**

Keisha Duncan, 174 Woodmont Rd. Hopewell Junction, is requesting a 25’ side line variance for a 27’X26’ (702 sf) 2 story garage/storage addition pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Keisha Duncan was present.**

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to re-open this Adjourned Public Hearing. Voted and carried unanimously.

Chairperson Drummond stated they did review this application last month. This is a strange layout for the existing house in that the lower level of the house is where the kitchen is and the bedrooms are on the “real” first floor. There is no existing garage. Last month, a neighbor brought to the Board's attention that there was a rock outcrop. The survey to show this as well. They are proposing to add this addition to the end of the driveway for a family room. They are limited as to where it can go. There will be no blasting as they are not putting in a basement of any kind. They did get a letter from the neighbor on the backside in favor of this as they recognize that no matter what gets done on this property, it will require a variance. Chairperson Drummond stated they did talk to the applicant about shrinking the size of the structure. Ms. Duncan stated they shrank it by 2 feet. It went from 728 sq. ft. to 702 sq. ft. Chairperson Drummond did not see any marking on the map showing the distance to the neighbor’s property. They found that the shortest point was 4 feet away and the largest point was eight feet away. After reviewing all three of the surveys, it appeared that the newest survey had a larger building drawn on it. Chairperson Drummond stated they needed a new survey with the actual proper proposed building on it.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn this Public Hearing to the February 28, 2023 meeting. Voted and carried unanimously.

**PUBLIC HEARINGS:**

**PUBLIC HEARING – Appeal 4043 – Kevin Keegan (6657-01-132645)**

Kevin Keegan, 17 Sunny Lane, Stormville, is requesting a 50’ side line variance for a ground mounted solar panel, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance

**Kevin Keegan was present.**

**MOTION** made by Rocco Limitone, seconded by Aziz Ahsan, to open this Public Hearing. Voted and carried unanimously.

Chairperson Drummond stated that this application has been reviewed before. It is for a ground mounted solar array. Normally these have a 100 foot sideline. Many properties cannot accommodate that side yard. There is already an existing array that was put in prior to the Town Board adopting these regulations. The applicant has chosen to put it close to the existing array. Where they are proposing this it is less impactful to the neighbor. There is vegetation buffering it. They are also limited as to where the array can go due to the septic fields.

Chairperson Drummond asked if there were any questions or comments from Board members. There were none.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to close this Public Hearing. Voted and carried unanimously.

APPEAL NUMBER: 4043

APPLICANT: Kevin Keegan

NAME OF PROJECT: A 50’ side line Variance from the requirements of the Schedule of Bulk Regulations and Section 100-7 of the Town Code for a ground-mounted solar panel

LOCATION: 17 Sunny Lane, Stormville (the “Property”)

TAX MAP NUMBER: 6657-01-132645

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan ­­­­­­­­­­­­­­­­­

**WHEREAS,** the Applicant currently has a ground-mounted solar array at his residence; and

**WHEREAS,** the solar array was installed prior to Chapter 100 of the Town Code being approved by the Town Board; and

**WHEREAS,** the Applicant has proposed adding a new ground-mounted solar panel in the same general location as the existing array; and

**WHEREAS,** there is an existing septic field, which limits the potential location for solar panels; and

**WHEREAS,** the Zoning Board of Appeals held a Public Hearing on January 24, 2023; and

**WHEREAS,** the Legal Notice was published in the Southern Dutchess News on January 18, 2023; and

**WHEREAS,** the Zoning Board of Appeals finds that:

The granting of the Variance will not produce an undesirable change in the character of the neighborhood as there are already existing ground-mounted solar panels in the same, general location as the proposed ground-mounted solar panel;

The desired result could be achieved by other means, but the location has been chosen to limit neighbors’ views of the proposed panels;

The Variance could be deemed substantial, but there is an existing septic field which limits the potential locations for the ground-mounted solar panels;

The Variance will not have an adverse effect or impact on the physical or environmental conditions;

**NOW, THEREFORE, BE IT RESOLVED,** that the Zoning Board of Appeals hereby

approves the request from Kevin Keegan for a 50’ side line Variance from the requirements of the

Schedule of Bulk Regulations and Section 100-7 of the Town Code for a ground-mounted solar

panel.

**BE IT FURTHER RESOLVED,** that within five (5) business days of the adoption of this Resolution, the Chair or other duly authorized member of the Zoning Board shall cause a copy of the Resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Zoning Board Member Rocco Limitone

The votes were as follows:

Board Member Aziz Ahsan Aye

Board Member Rocco Limitone Aye

Board Member Alberto Paratore Aye

Chairperson Norma Drummond Aye

**PUBLIC HEARING – Appeal 4051 – Richard Sheerin (6458-04-851194)**

Richard Sheerin 19 Maple Place, Hopewell Junction, is requesting a 25’ front line variance for a proposed 1,630 sf addition and a 5’ side yard variance for an existing 18’x12’ (216 sf) shed, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Richard Sheerin was present.**

**MOTION** made by Rocco Limitone, seconded by Aziz Ahsan, to open this Public Hearing. Voted and carried unanimously.

Chairperson Drummond stated they did review this application last month. Mr. Sheerin stated his 81-year-old mother-in-law is living with them and it is tight quarters, and she needs first level access. Chairperson Drummond stated the application said this is a small addition and 1630 sq. ft. Ii is not a small addition. It is the size of some houses. Mr. Sheerin stated he was not sure how to fill out that part of the application.

Chairperson Drummond stated there is a very large right-of-way on this property. The Town Attorney did review this and verified it is a 25-foot right-of-way. It is the applicant’s property. This addition is not anywhere near that area, but it does limit his ability to use some of his property.

Chairperson Drummond asked if there were any questions or comments from Board members. There were none.

Chairperson Drummond asked if there was anyone from the public to speak for or against this application. There was no one.

**MOTION** made by Aziz Ahsan, seconded by Alberto Paratore, to close the Public Hearing. Voted and carried unanimously.

APPEAL NUMBER: 4051

APPLICANT: Richard Sheerin

NAME OF PROJECT: (i) A 25’ front line Variance from the Schedule of Bulk Regulations for a proposed 1,630 sf addition; and (ii) a 5’ side line Variance from the requirements of Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations for an existing 18’x12’ (216 sf) shed (the “Variances”)

LOCATION: 19 Maple Place, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6458-04-851194

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member ­­­­­­­­­­­­­­­­­­­­­­­­­­­­­Al Paratore

**WHEREAS,** the Applicant owns the last house on Maple Place; and

**WHEREAS,** the Applicant’s house is built very close to neighboring property lines and a large Right of Way; and

**WHEREAS,** the Applicant is requesting to build an extension to accommodate an elderly family member who needs extra care; and

**WHEREAS,** the proposed addition is in a heavily wooded area and largely screened by existing vegetation; and

**WHEREAS**, the shed has been existing on the property for a number of years and is screened from having any visual impact; and

**WHEREAS,** the Zoning Board of Appeals held a Public Hearing on January 24, 2023; and

**WHEREAS,** the Legal Notice was published in the Southern Dutchess News on January 18, 2023; and

**WHEREAS,** the Zoning Board of Appeals finds that:

The granting of the Variances will not produce an undesirable change in the character of the neighborhood as the area is heavily wooded;

The desired result cannot be achieved by other means due to the layout of the Property;

The Variances could be deemed substantial, but will be mitigated by the existing natural, vegetative buffer;

The Variances will not have an adverse effect or impact on the physical or environmental conditions;

**NOW, THEREFORE, BE IT RESOLVED,** that the Zoning Board of Appeals hereby

approves the request from Richard Sheerin for: (i) a 25’ front line Variance from the Schedule of

Bulk Regulations for a proposed 1,630 sf addition; and (ii) a 5’ side line Variance from the

requirements of Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations for

an existing 18’x12’ (216 sf) shed.

**BE IT FURTHER RESOLVED,** that within five (5) business days of the adoption of this Resolution, the Chair or other duly authorized member of the Zoning Board shall cause a copy of the Resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Zoning Board Member Aziz Ahsan

The votes were as follows:

Board Member Aziz Ahsan Aye

Board Member Rocco Limitone Aye

Board Member Alberto Paratore Aye

Chairperson Norma Drummond Aye

**REVIEWS:**

**REVIEW - Appeal 4052 – Panny Industry Inc. (6555-00-363386)**

Panny Industry Inc., 256 Woodmont Rd. Hopewell Junction, is requesting a Special Permit in order to bring in 1,570 additional cubic yards of fill (total of 2,500 cubic yards less 375 per year for 2022 and 2023), pursuant to Section 194-75 of the Zoning Ordinance.

**Mr. Panny was present.**

Chairperson Drummond stated the applicant had brought in a significant amount of fill. There is a question as to whether 2500 is the correct amount. The fill has created some water issues on the neighboring property, so he was issued a Stop Work Order. Mr. Panny stated they have diverted that water. Chairperson Drummond stated that is good because the last thing they want to do is create a water issue on any neighbor’s property or wash away a road, or impact town roads, etc. She asked if this was a new house and Mr. Panny said yes. It is not even finished yet and does not have power yet. She stated she looked at the area online and the entire area is disturbed. She was trying to figure out where the fill was actually going. Mr. Panny stated it is in the back of the house. When the engineer designed the house, rather than digging out, he raised the house up on the top of the ridge which created a 9 foot drop in the property. Chairperson Drummond stated it did look like the back dropped off significantly. She asked if 2500 was the correct number. Mr. Ahsan stated the applicant should make sure he has enough of a cushion. Mr. Panny stated that should be fine. Chairperson Drummond stated they need to have a usable backyard. The Town Engineer has been on site. Chairperson Drummond stated drainage has been installed so they will not be impacting the neighbors. Mr. Rickett stated George will be inspecting it again tomorrow in order to possibly lift the second Stop Work Order.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the February 28, 2023 meeting. Voted and carried unanimously.

**REVIEW – Appeal 4053 – Rebecca Bruck (6457-01-065639)**

Rebecca Bruck, 26 Marcy Ln. Hopewell Junction, is requesting a Special Permit to have an
accessory professional office in her home, pursuant to Section 194-90 of the Zoning Ordinance.

**Rebecca Bruck was present.**

Chairperson Drummond asked if Ms. Bruck had been before her Homeowners Association. Ms. Bruck stated they were the first ones she went to after she reviewed all the requirements. She explained to them that she met all of the requirements for an accessory office, and they approved it and have given her a letter.

Chairperson Drummond asked for an explanation of exactly what the office would be, how many employees it would have, parking, etc. Ms. Bruck stated she is a sole practitioner practicing clinical social work for 10 years. She had a private practice seeing clients in person in Hopewell Junction until the pandemic hit. She has been concerned about meeting with people in person during that time. She switched to remote meetings via Zoom sessions. She has continued to do chemotherapy only for the last few years but over the last year she has noticed she is losing business because she is not meeting with people in person. Approximately 50% of the phone calls she receives from new clients want to meet someone in person. Because this is a part-time job for her it does not make sense to rent an office space. It would be a financial loss. She has the perfect space in her home with a separate entryway and a separate bathroom. It was a living space that converted into something else. It is a nice private space that she would be able to hold sessions in. She does not do family therapy, she only does individuals and couples. At any given time there would only be one or two other people in there with her. She schedules with a 15 to 20 minute window in between clients. There will be no one waiting to be seen. There is no street parking. She is very strict about screening her clients. Ms. Drummond stated that would be a concern having clients know where she lives. Ms. Bruck stated she is still on the fence about whether or not she wants to actually go forward with this partially because of that. Because she screens her clients very thoroughly she doesn’t feel that would be an issue. While she feels there are certain clients she would be able to see from the home office, there are also clients she would not feel comfortable seeing, sometimes it is because she doesn't have the training or it is not her specialty.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan stated he has not seen the letter from the HOA. Ms. Bruck stated she has turned in everything.

Ms. Bruck stated again she is not certain she will do this. She just likes the option to be able to do this. Mr. Limitone asked ifthis was going to be in the basement of the house with a separate entrance. Ms. Bruck said yes. She stated at one point they had converted that space into a completely separate apartment for her mother-in-law. There is also the ability to lock out the section from the rest of her home. Ms. Drummond asked if there would be a sign outside. Ms. Bruck said no.

Mr. Rickett stated they have an application to the Building Department for a recreation room in the basement. He asked if that was related to this application. Ms. Bruck said that there is a part of the boiler room that her husband is trying to convert into a separate room for gym equipment for her son. It is a very large basement. This is on the opposite side of the basement.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the February 28, 2023 meeting. Voted and carried unanimously.

Chairperson Drummond stated the HOA has to allow the sign advertising the Public Hearing and notices will go out to all of the neighbors. She stated that if the applicant can talk to the neighbors ahead time it is helpful. Ms. Bruck stated the houses are very closely spaced and she does not want to make anyone uncomfortable. She asked how many homes around her home would be getting letters. Chairperson Drummond stated it is a 250-foot radius around her home. Ms. Bruck asked when the notice goes out from the Town and Ms. Keenan stated by the end of the week. Ms. Bruck stated if she decides not to go through with this she understands she should let Ms. Keener know by Friday. Chairperson Drummond stated if she decides to pull this application before mailing goes out, all but five dollars of her fee will be refunded to her.

**REVIEW – 4054 – Salvatore Speziale (6556-01-434927)**

Salvatore Speziale, 2808 Route 52. Hopewell Junction, is requesting a 3’ side yard variance for an existing shed 19’x 20’ (380 sf) pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance and a 4’ variance for a proposed shared driveway that would be 12’ wide when it should be 16’ pursuant to Section 194-67.1 of the Zoning Ordinance

**Bill Povall and Salvatore Speziale were present.**

Mr. Povall stated Mr. Speziale owns the property at 2808 Route 82 between Carpenter Road and Route 216. There is an existing house and horse barn there. They are before the Planning Board for a subdivision to divide it into two lots. He would like to build a home for himself next to the barn because he visits the property several times a day to take care of the horses. He currently lives off-site but would like to change that. With the subdivision application, it was discovered that the shed on the west side of the existing barn is 12.3 feet to the property line, but needs 15 feet. It is a concrete floor shed. It would be very hard to move it. It is relatively far from the neighboring house and there is a lot of vegetation on the neighbor's property. It is in the fenced in area for the horses. It houses equipment to maintain the property. They will need a 3-foot variance for that. There is an existing driveway, which is very attractive with trees along both sides. They are proposing a shared driveway to keep the land disturbance down. The front home is rented out and there are people in and out all the time for the horse farm. It is a well-used driveway. They have already demonstrated that they could do a single driveway. They don't want the disturbances. They want to keep the existing driveway in place as another curb cut on Route 82 could be an issue. It could also impact the trees and their roots. Chairperson Drummond asked the length of the stretch that it would only be 12 feet wide. Mr. Povall stated approximately 150 feet but then there will be a large turnaround. Chairperson Drummond stated widening the driveway by 2 feet could impact the tree roots. Mr. Povall stated one could see someone coming in all the way to the road. He stated Mr. Speziale feels very strongly to ensure the look of the property. As of right now it is essentially a shared driveway. It is wide enough for two cars at the end of it. If they leave it as it is they do not have to take out the Belgium block curb and possibly impact the trees. Chairperson Drummond asked if the trees were healthy in that area and Mr. Povall said yes.

Mr. Ahsan asked if the property owner sells the house, would it still be a shared driveway. Mr. Povall stated that is part of the Planning Board process. There will be a shared driveway easement. It will be a written agreement that gets filed. Chairperson Drummond stated they could have as many as three properties on a shared driveway. Mr. Povall stated keeping the driveway as it is cuts down tremendously on the disturbances. This is a very long piece of property at 18.1 acres. The applicant is not going to develop anything in the back. The smaller lot will be for the existing house and the rest of it would be with the barn and his residence. Mr. Ahsan stated that this Board only deals with the driveway and the shed and he has no issue with either one.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the February 28, 2023 meeting. Voted and carried unanimously.

**ADJOURNMENT**

**MOTION** made by Aziz Ahsan, seconded by Alberto Paratore, to adjourn the Zoning Board meeting at 8:27 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary