Town of East Fishkill

**ZONING BOARD OF APPEALS**

May 23, 2023

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were Alberto Paratore, Rocco Limitone, Aziz Ahsan, Art Mahony, 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 welcomed Art Mahony as a new member of the Board. He is a general contractor and has plenty of building and zoning experience. She stated the next meetings would be Tuesday, June 27, 2023, and Tuesday, July 25, 2023.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held April 25, 2023 as amended. Voted and carried unanimously. Mr. Ahsan stated the amendments on the minutes were super minor.

Chairperson Drummond stated there was an adjourned Public Hearing for Panny Industry, Inc and it had been rescheduled to a time that they had more information for the Board. There were many concerns raised by neighbors so the applicant was requested to bring additional information regarding the existing fill to the Board. Mr. Rickett stated the town engineer has sent feedback and they are waiting for a response from the applicant. This Adjourned Public Hearing would not be opened tonight unless somebody from the public was here to discuss it. There was no one. She stated they would continue the adjournment, however if it continues for too long, they will tell the applicant he will need to readvertise. She stated that when Getaway House, item #3, made its original presentation, the Board gave them a lot to think about and they have not come back yet. The Board will continue to wait and see if the applicant rethinks their need for an interpretation. This item will not be discussed during this meeting.

Chairperson Drummond went through the procedures for the meeting. She stated that the first part of the meeting is a Public Hearing, which is an application 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 applications. After the review of the information, they will schedule it for a Public Hearing. These are all requests for items that are not allowed by code. 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 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 1,750 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.

Chairperson Drummond stated this was not being addressed at this meeting.

**PUBLIC HEARINGS:**

**PUBLIC HEARING – Appeal 4063 – Jonathan Nash (6559-03-225106)**

Jonathon Nash, 27 Ridge Road, Hopewell Junction, is requesting a 15’ rear line and a 946 sf size variance for a proposed 34’x30’ (2040 sf) detached garage pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance. Footprint of the existing house is 1,824 sf.

**Tony Castagna was present.**

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

Chairperson Drummond stated that the Board did have an opportunity to review this application at the last meeting. She stated they did talk about the use as this is going to be a three-car garage with boat storage and a second floor. The house had a garage, but it was converted to living space so currently there is no garage. There will be no plumbing in the building, but there will be electric. The applicant was supposed to get updated information on the survey, and that has been supplied. Chairperson Drummond stated he was proposing to put the garage on the same side as the driveway. The other side of the house has more property as it goes farther back, but that is not the side the driveway is on. She asked Mr. Castagna if he knew where the septic was. Mr. Castagna stated it is in the backyard behind the proposed garage. He stated the Building Inspector has come out and verified that the garage will not be in the way.

Chairperson Drummond asked why the garage was going to be five and half feet off of the driveway and not connected. Mr. Castagna stated there is some grass there. The driveway is within 3 feet to 5 feet of the gravel. There is currently a shed there that will be moved right up against the edge of the driveway and once it is moved they will take the gravel and railroad tie the shed is on and do the foundation there.

Chairperson Drummond stated the only other issue is the request for a second floor. She stated that is not allowed. The height he was proposing for that is too high. Mr. Castagna stated he brought it down to 24'9". He was told it had to be below 25 feet.

Mr. Ahsan asked if there was a printed record of all of the proposed changes. Clerk Keenan said yes, it is in the Building Department.

Chairperson Drummond stated there were four neighbor letters. They are from the following: Gloria Crossnickle from 24 Ridge Road, David Kaner from 22 Ridge Road, Frank Marcello from 19 Ridge Road, and Robert and Alex Pizzano from 29 Ridge Road. They were all in favor of this application.

Chairperson Drummond asked if there were any questions or comments from Board members.

Ethan Kolt lives on 9 Ridge View Road and was present with his neighbor Rocco Robortaccio, from 11 Ridge View Road, and their concern is the size of the garage. It will be a very large structure that they will see from the back of their homes. His backyard is his wife's sanctuary. He stated that he and Mr. Robortaccio spoke about it, and they are both concerned and against this. The neighbors were provided with maps of the property and project. Mr. Kolt stated that he can't see the shed at its current location but might be able to see part of the garage since it is taller. It is in a better place than he thought it was going to be. Chairperson Drummond stated that the home currently does not have a garage and there are some things that need to be stored in a garage. Mr. Ahsan stated that the second floor would be used for storage only and not living space. He asked what the current height of the shed was. Mr. Castagna stated that the current shed was approximately 10 feet high but had already been removed. Mr. Kolt stated he is okay with this.

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

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

APPEAL NUMBER: 4063

APPLICANT: Jonathan Nash

NAME OF PROJECT: Requests for: (i) a 15’ rear line Variance from the requirements of the Schedule of Bulk Regulations; and (ii) a 946 sf size variance from the requirements of Section 194-107 of the Zoning Ordinance for a proposed detached garage with a footprint measuring 34’ x 30’ and is 2,040 sf in total (the “Variances”)

LOCATION: 27 Ridge Rd. Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6559-03-225106

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member ­­­­­­­­­­­­­­­­­­­­­­­­­­­­­Aziz Ahsan

**WHEREAS,** the Property originally contained a garage in the house, which was converted to living space; and

**WHEREAS,** the Applicant has applied to install a three-car garage with a second story for storage; and

**WHEREAS,** the footprint of the existing house is 1,824 sf; and

**WHEREAS,** Section 194-107(C) of the Town Code states, in part, that a detached garage cannot “exceed 750 square feet or 60% of the square footage of the footprint of the principal structure, whichever is greater in size and 1.5 stories or 25 feet in height”; and

**WHEREAS,** this is a Type II Action under SEQRA; and

**WHEREAS,** the Legal Notice was published in the Southern Dutchess News on May 17, 2023; and

**WHEREAS,** the Zoning Board of Appeals held a Public Hearing on May 23, 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 Property will remain residential in nature;

The desired result could be achieved by some other means, but the location of the detached garage is the most logical location due to it being placed near the driveway;

The Variances could be deemed substantial;

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 of Jonathan Nash for (i) a 15’ rear line Variance from the requirements of the

Schedule of Bulk Regulations; and (ii) a 946 sf size variance from the requirements of Section 194-

107 of the Zoning Ordinance for a proposed detached garage with a footprint measuring 34’ x 30’ and

is 2,040 sf in total (the “Variances”) on the condition that the garage not be used for living space that

includes sleeping quarters.

**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

Board Member Art Mahony Aye

**REVIEWS:**

**REVIEW** – Appeal 4061 – Getaway House (6454-00-370849)

Getaway House, 17 Monte Cristo Trail Hopewell Junction, is requesting an appeal of a Zoning Interpretation issued 2/2/23 by the Zoning Administrator determining proposed use by applicant would be defined as a “trailer camp” as set forth in the Town of East Fishkill Zoning Code Section 131-3 and not a “large scale planned recreational development” per Section 194-3 and 194-59 of the Zoning Ordinance. (Applicant needs more time June 27, 2023).

**REVIEW – Appeal 4064 – Joseph Miller (6457-01-132800)**

Joseph Miller, 17 Clark Pl. Hopewell Junction, is requesting a 5’ rear line and a 32% lot coverage variance for a proposed 10’X31’ inground pool pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Joseph Miller was present.**

Chairperson Drummond stated that this parcel is in Hopewell Glen. As these are smaller lots it has come to the Board's attention that lot coverage is an issue with this application. None of the previous applications have had to deal with this before because they have not thought about this aspect previously. The lots in this development are smaller and between some elaborate landscaping and hardscaping, which is beautiful, it does exceed the 12% allowed coverage. Mr. Miller stated he believes his house covers that 12%. Chairperson Drummond stated this is a very narrow pool. Mr. Miller stated they did try to minimize the variance requirement as much as possible. Chairperson Drummond asked if he has spoken with the neighbors already and Mr. Miller said yes. One neighbor already has a pool and there is a 30-foot brush line between his house and the houses behind him and have pools as well.

Chairperson Drummond asked if the applicant has dealt with the HOA already and Mr. Miller said yes. Mr. Ahsan asked if there was a letter received back from the HOA and Clerk Keenan stated yes.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the June 27, 2023, meeting. Voted and carried unanimously.

**REVIEW – Appeal 4065 – Wendy & Howard Travis (6459-04-585150)**

Wendy & Howard Travis, 309 Hillside Lake Rd. Wappingers Falls, is requesting a 930sf size variance for a proposed 30’X56’ (1680sf) detached garage pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance. Footprint of the existing house is 869 sf.

**Wendy & Howard Travis were present.**

Chairperson Drummond stated the issue with this application is the blueprint on the existing house is 869 sq. ft. There is also no garage, so a detached garage is probably a necessity. Mr. Travis stated part of the size of it is not garage because there is a lean two coming off the back to put his tractor, Rototiller, wood pellets, lawnmowers, etc.

Chairperson Drummond asked why it was proposed to be so long. Mr. Travis stated the intent of the garage would be to have a work bench and toolboxes in the back. In the wintertime he would like enough space to put his tractor in there to get warmed up prior to use for plowing.

Chairperson Drummond verified that they are not operating a business from this location. Mr. Travis stated no.

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 advertise and set this for Public Hearing for the June 27, 2023, meeting. Voted and carried unanimously.

**REVIEW – Appeal 4066 – Michael DiBattista (6355-00-965196)**

Michael Dibattista,10 E. Meadow Ct. Hopewell Junction, is requesting a 35’ rear line
variance for a proposed 20’X20’ (400 sf) pool Pavilion pursuant to the Schedule of Bulk
Regulations of the Zoning Ordinance

**Michael DiBbattista was present.**

Mr. DiBattista stated he currently has the pool under construction. He was told he is in the R1 Zoning, and the setbacks are 25 feet for the pool and 50 feet for an accessory structure from the rear line. Unfortunately, the pool Pavilion creates a conflict for that location. Chairperson Drummond stated there is also a play set on the property. Mr. DiBattista stated that is being removed. Chairperson Drummond asked the size of the pavilion and Mr. DiBattista stated it was 20 x 20. Even if he were to reduce it, it would still require a variance.

Chairperson Drummond asked if he has spoken to the neighbors yet. Mr. DiBattista said no but they won't be able to see it when the foliage is up. It may be visible in the winter. There are trees between the properties. The neighbors homes behind him are set back further.

Mr. Limitone asked if this was just a standard gazebo and Mr. DiBattista said yes. Mr. Limitone asked what the base was going to be and Mr. DiBattista stated it would be concrete.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the June 27, 2023, meeting. Voted and carried unanimously.

**REVIEW – Appeal 4067 – Denise Hayes & James Hajkowski (6657-01-273637)**

Denise Hayes & James Hajkowski, 32 Moonlight Dr. Stormville, is requesting an 8’ sideline variance for an existing 8X10 (80 sf) shed and a 19’ side line variance for a proposed 668 sf detached garage pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance. Footprint of the existing house 1508 sf

**Denise Hayes & James Hajkowski were present.**

Chairperson Drummond asked Mr. Hajkowski if the house had an existing garage. He stated there is a two-door garage, but it is very narrow and has poles in between it. His truck cannot fit in it at all and her truck needs to have the mirrors pulled in and she still cannot open the doors very well.

Chairperson Drummond asked if it was wrapping around something. Mr. Hajkowski said yes. It goes around the pool. Mrs. Hayes said they had to shrink the size of it down so it was less square feet than the size of the house. Chairperson Drummond stated they are already going for the variance, so if they needed it to be larger, now is the time to do it. Mrs. Hayes said the size became an issue with pool. It was just easier to shrink the garage.

Mr. Hajkowski stated one side is two cars deep and the other side is one car deep. He races cars and this will give him space to work. Chairperson Drummond asked if there would be a garage door off the back as well. Mr. Hajkowski said he was thinking about it but undecided as of yet. Chairperson Drummond stated even if they get the car out a back door, they would not be able to go around without going on the neighbor's property. She asked if they had spoken with the neighbors yet. Mr. Hajkowski said he did speak with the neighbor next door, and he does have a letter.

Chairperson Drummond asked about the flag lot right behind him. Mr. Hajkowski stated there is a tree line between them. Chairperson Drummond stated the septic is in the backyard so it will not be impacted. The well is on the other side of the house.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan stated that one car will be boxed in. Mr. Hajkowski said yes. Mr. Ahsan asked if it was going to be one-story and Mr. Hajkowski said yes.

Chairperson Drummond asked what the finish of the building was going to be. Mr. Hajkowski said it will be white vinyl siding to match the house.

**MOTION** made by Aziz Ahsan, seconded by Alberto Paratore, to advertise and set this for Public Hearing for the June 27, 2023, meeting. Voted and carried unanimously.

**ADJOURNMENT**

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:40 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary