Town of East Fishkill

**ZONING BOARD OF APPEALS**

June 27, 2023

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were 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 stated the next meetings would be Tuesday, July 25, 2023, and Tuesday, August 22, 2023.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held May 23, 2023, 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 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 the application. 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.

Chairperson Drummond stated that all applicants are here because they are asking for something not allowed by the code, but sometimes there are special circumstances that might make sense for making exceptions, which is the judgement of this Board. She 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. It is a fill condition, and the owner has brought in more than is allowed. There are questions regarding the quantity and quality of that fill and the Town is not satisfied with the information they have received to date. Mr. Rickett stated they have not received any additional information at this time. 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 beyond the next meeting, they will tell the applicant he will need to readvertise. She stated Getaway House, item #3, made its original presentation and they have not come back yet. The Board will continue to wait and see if the applicant rethinks their need for an interpretation of the code. The same will apply to this application if they are not at the next meeting.

**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. If they do not come back to the next meeting, they will have to re-advertise.

**PUBLIC HEARINGS:**

**PUBLIC HEARING – 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.**

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

Chairperson Drummond stated last month they did go through this application. This is a parcel in Hopewell Glen which, by its nature, is smaller lots as it is a cluster development. The idea was to have more open space as there are a large number of lots there. The problem is that the individual lots are smaller, and a lot of the houses alone exceeded the lot coverage as allowed by code. This is the first application that is running into this issue. They are putting in an inground pool, which is not excessive in size. Based on last month's discussion, they did change the size to be a little larger. Mr. Ahsan stated that it is 5 feet closer to the house. The variance still stands at 5 feet.

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

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: 4064

APPLICANT: Joseph Miller

NAME OF PROJECT: Requests for: (i) a 5’ rear line Variance from the requirements of the Schedule of Bulk Regulations; and (ii) a 32% lot coverage Variance from the requirements of Schedule of Bulk regulations for a proposed 14’ x 31’ inground pool (the “Variances”)

LOCATION: 17 Clark Pl., Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6457-01-063787

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Aziz Ahsan­­­­­­­­­­­­­­­­­­­­­­

**WHEREAS,** the Property is located in Hopewell Glen, and most of the lots in this development are smaller than other properties in R-1 zones due to the clustered nature of the subdivision; and

**WHEREAS,** the Applicant has already obtained approval from the Homeowners’ Association (“HOA”); and

**WHEREAS,** other properties in the neighborhood have similarly sized pools; and

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

**WHEREAS,** the Legal Notice was published in the Southern Dutchess News on June 21, 2023; and

**WHEREAS,** the Zoning Board of Appeals held a Public Hearing on June 27, 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 cannot be achieved by some other means due to the small lot size;

The Variances are not substantial given that the Property is located in Hopewell Glen;

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 Joseph Miller for: (i) a 5’ rear line Variance from the requirements of the

Schedule of Bulk Regulations; and (ii) a 32% lot coverage Variance from the requirements of

Schedule of Bulk regulations for a proposed 14’ x 31’ inground pool.

**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 Absent

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

**PUBLIC HEARING – 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. The footprint of the existing house is 896 sf.

**Wendy & Howard Travis were present.**

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

Chairperson Drummond stated they reviewed this application last month. They are off of Hillside Lake Road, not inside of Hillside Lake. They do have a 4-acre property. No one can see the house from the road. This will not be impactful to any of the neighbors from Hillside Lake Road. Chairperson Drummond stated, for the record, this parcel does not have an existing garage with the house. It is oversized but it will not disturb people. There is no second story to it, and they did discuss what was going to be used for.

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

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: 4065

APPLICANT: Wendy & Howard Travis

NAME OF PROJECT: Request for a 1,143 sf size Variance from the requirements of Section 194-107(C) of the Town Code for a proposed 30’X56’ (1,680 sf) detached garage

LOCATION: 309 Hillside Lake Rd., Wappingers Falls (the “Property”)

TAX MAP NUMBER: 6459-04-585150

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: ­­­­­­­­­­­­­­­­­­­­­­­­­­­­­Rocco Limitone

**WHEREAS,** the footprint of the existing house is 896 sf, and the house does not have a garage; and

**WHEREAS,** pursuant to Section 194-107(C) of the Town Code: “Detached garages must be permanent and not a fabric-covered structure and may in no event 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,** the Property is situated on approximately 4.5 acres; and

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

**WHEREAS,** the Legal Notice was published in the Southern Dutchess News on June 21, 2023; and

**WHEREAS,** the Zoning Board of Appeals held a Public Hearing on June 27, 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 the Property will remain residential in nature and the structure will not be visible from the road;

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

The Variance is not substantial given the size of the Property;

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 of Wendy & Howard Travis for a 1,143 sf size Variance from the requirements

of Section 194-107(C) of the Town Code for a proposed 30’X56’ (1,680 sf) detached garage.

**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 Absent

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

**PUBLIC HEARING – 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 Dibattista was present.**

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

Chairperson Drummond stated they did have the opportunity to review this application last month. The applicant did put in the pool. The patio has been under construction for a while. There is equipment for the pool that does meet the setback requirements. They're looking to put a pavilion actually right next to the pool equipment, but the dimensions of the pavilion make it beyond what is allowed by code. She stated that putting the pavilion next to the pool makes sense.

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

Chairperson Drummond stated there are two letters addressed to the Board. The first letter was from Shawn and Laura Canfield 5 Sebastian Court. They had many objections including the size, the amount of property being covered by cement, causing drainage issues for other neighbors, and the trees between the property will not provide sufficient visual or noise buffering. The second is from Stephanie Ryan at 11 East Meadow Court. They have no objections to this.

Chairperson Drummond stated looking at the site plan for the property coverage, it is clear that the property is not covered under cement. Mr. DiBattista stated he has approximately 2 acres. Chairperson Drummond stated they generally do not put drainage into concrete. They will need to make sure that there is no runoff from his property. Mr. DiBattista stated that will not be a problem. He does have a professional doing all of the work. Chairperson Drummond stated that the zoning administrator did go out to the site, so the Board does have pictures of the work that is being done. Chairperson Drummond stated she has never seen the patio going before the pool. The applicant stated that there is a higher percentage of clay on the property, and this was the way the professionals wanted to install it. Chairperson Drummond does not feel it will be impactful to the neighbors,

Aziz Ahsan asked if the jungle gym had been removed and Mr. DiBattista stated yes. Mr. Ahsan asked if the applicant plans on putting in landscaping and he said yes there is some that is already planted.

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

Sam Breyer, 8 East Meadow Court stated that he agrees with Ms. Ryan and has no objections.

Laura Canfield was present. She stated the neighbors who don't have objections to this are not adjacent to where the pool will be. She does request that the Pavilion not be right up against the property line as there is very little visual buffer. Mr. Ahsan stated there is almost 16 feet between the pavilion and the property line and the applicant has already stated he will be putting in landscaping. There does appear to be a substantial space separation from the edge of the pool to her property line. There is 36.7 feet from the edge of the pool to his property line. Mr. Limitone asked if their house was on the side where the jungle gym used to be. Ms. Canfield stated her property is beyond the stream. She feels they are more impacted than the other neighbors. Mr. DiBattista pulled up Dutchess County Parcel Access to show the Board the distance and location of her property. Mr. Ahsan stated if the applicant could have moved it 5 to 7 feet closer to his house, he would not need a variance at all. Due to the house’s location this is where everything makes the most sense. Everything he is asking for is on his own property. Chairperson Drummond asked what the topography of the property in that area was. Ms. Canfield stated it drains into the stream. Chairperson Drummond asked if her property was flat from the stream or uphill. Ms. Canfield stated the stream is lower. Mr. Ahsan stated her letter mentions the cement coverage. The cement is only in the patio area and that does not require a variance. The applicant will make sure the professional is ensuring there is no runoff from his property.

Tim Ryan from 11 East Meadow Court stated he does not have any issues with this application.

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

APPEAL NUMBER: 4066

APPLICANT: Michael DiBattista

NAME OF PROJECT: Request for a 35’ rear line Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107(D) of the Town Code for a proposed 20’X20’ (400 sf) pool Pavilion

LOCATION: 10 E. Meadow Ct., Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6355-00-965196

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member­­­­­­­­­­­­­­­­­­­­­­­­­­­­: Art Mahony

**WHEREAS,** the Applicant is currently constructing a new pool; and

**WHEREAS,** the Applicant is requesting to construct a pool pavilion in close proximity to the pool; and

**WHEREAS,** the pavilion will be difficult to see during Summer months due to existing tree cover; and

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

**WHEREAS,** the Legal Notice was published in the Southern Dutchess News on June 21, 2023; and

**WHEREAS,** the Zoning Board of Appeals held a Public Hearing on June 27, 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 the Property will remain residential in nature;

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

The Variance could be deemed substantial;

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 of Michael DiBattista for a 35’ rear line Variance from the requirements of the

Schedule of Bulk Regulations and Section 194-107(D) of the Town Code for a proposed 20’X20’

(400 sf) pool Pavilion on the condition that the existing jungle gym and storage pod are removed.

**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 Absent

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

**PUBLIC HEARING – 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 668sf detached garage pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance. Footprint of the existing house 1508 sf

**James Hajkowski was present.**

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

Chairperson Drummond stated they reviewed this application last month. The shed has been there since before the owner purchased the property. The existing house has a garage, but it does not fit the applicant's truck due to its low ceilings. He would like to add a new garage to fit current larger vehicles. It is extending a little further back to go around the corner. Mr. H stated they squared it up and shortened the back wall by 6 inches. It is the same size as before just squared up. Chairperson Drummond stated the finish would be the same as the existing house. It does make sense to put it anywhere else but at the top of the driveway where they are proposing it. She asked where the septic was and the applicant said it was in the back of the house.

Chairperson Drummond asked if there was anyone else from the public to speak for or against this application. There was no one. Chairperson Drummond stated there are two letters to be read into the record. The first is from Susan Isaac at 40 Moonlight Dr. The second is from Joe Mahoney 16 Moonlight Dr. Neither letter had any objections to this application.

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

APPEAL NUMBER: 4067

APPLICANT: Denise Hayes & James Hajkowski

NAME OF PROJECT: Requests for: (i) an 8’ side line Variance from the requirements of Section 194-107 and the Schedule of Bulk Regulations for an existing 8’X10’ (80 sf) shed; and (ii) a 19’ side line Variance from the requirements of Section 194-107 and the Schedule of Bulk Regulations for a proposed 24’X37.5’ (900 sf) detached garage (the “Variances”)

LOCATION: 32 Moonlight Dr., Stormville (the “Property”)

TAX MAP NUMBER: 6657-01-273637

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Aziz Ahsan­­­­­­­­­­­­­­­­­­­­­­

**WHEREAS,** the existing garage has very low ceilings and cannot fit larger passenger vehicles; and

**WHEREAS,** there is a tree line which shields the lot behind the Property; and

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

**WHEREAS,** the Legal Notice was published in the Southern Dutchess News on June 21, 2023; and

**WHEREAS,** the Zoning Board of Appeals held a Public Hearing on June 27, 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 and the new structure should not be visible to other property owners or from the street;

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

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 Denise Hayes & James Hajkowski for (i) an 8’ side line Variance from the

requirements of Section 194-107 and the Schedule of Bulk Regulations for an existing 8’X10’ (80

sf) shed; and (ii) a 19’ side line Variance from the requirements of Section 194-107 and the

Schedule of Bulk Regulations for a proposed 24’X37.5’ (900 sf) detached garage.

**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 Absent

Board Member Art Mahony Aye

Chairperson Norma Drummond 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).

Chairperson Drummond asked if there was anyone here for this application. There was no one. Attorney Cunningham stated they could adjourn for one additional month.

**REVIEW – Appeal 4068 – BDC Holdings (6458-04-701142, 714134,702115 & 720105)**

BDC Holdings, 1088, 1090, 1094, &1096 Route 82 Hopewell Junction, requesting a variance

from the Floor Area Ratio requirement of 0.35% to 0.45% pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Kevin Sole was present.**

Mr. Sole stated his client is under contract to purchase four parcels. They are currently undeveloped, and they are looking to build a self-storage facility. It is permitted under the zoning regulations from the use standpoint, however from a building design standpoint they are looking to construct a two-story building with a 41,000 square foot footprint. The total square footage would be approximately 82,000 square feet. Given the site constraint and size, and the proposed use, they are able to comply with most of the bulk requirements with the exception of the floor area ratio. The building coverage allowed in the zone is 35% and a maximum lot coverage of 75%. Their proposal is a building coverage of 22% and a lot coverage of 41%. Given the specific use they are able to propose a far less intense use than some other uses that are permitted in the zone. From an operation standpoint they are looking to request relief on the floor ratio as they want a full two-story footprint for total square footage of 82,000 square feet. The results are a .45 floor ratio where .35 is permitted. They do not believe this will result in any adverse impacts as it is not an intensive use.

Chairperson Drummond stated there is a residential use lot between this proposed location and the commercial corner building. She stated there appears to be an abandoned house on the property they are not purchasing. Mr. Sole stated that the house is owned by a different owner, so it is not part of this proposal. It was not necessary for their purposes. He is also not sure the owner is available or accessible from a contact standpoint. Chairperson Drummond stated the issue is that this property provides an easement to that property’s driveway. That is a landlocked parcel. She does understand that the applicant is proposing a new driveway easement. Mr. Sole stated there was an access easement benefiting the parcel. Their attorneys and land-use counsel have reviewed that, and they do believe they have the right to relocate that easement. As part of their plan, they would be relocating the access for the parcel. It will be provided to the north so it will be completely separate and independent from the proposed commercial use. Chairperson Drummond asked if they were just proposing an easement and not actually building a driveway. Mr. Sole stated they can look into that and do whatever is deemed appropriate. The purpose for tonight was to just get feedback on the relief needed to allow the project to move forward. Chairperson Drummond asked if this was an application before the Planning Board also. Attorney Cunningham stated it is a sketch plan before the Planning Board. Mr. Sole stated they did meet with the Planning Board in January to get a feeling from them. The Planning Board had encouraged them to come to the Zoning Board to seek relief for the floor area ratio. Chairperson Drummond asked the attorney if this needed to be a coordinated review and who should be the lead agency. Attorney Cunningham stated the Planning Board should be lead agency. Mr. Sole stated the Planning Board did direct the applicant to file the application with Zoning because they need to secure this part in order to file with the Planning Board. Attorney Cunningham stated the two processes could run together. Mr. Sole stated the concern is the costs and the efforts of the full site design and SEQRA process are intensive. If they cannot get relief for the floor area ratio there may not be a project to move forward with. Attorney Cunningham stated they cannot get a full determination on the SEQRA until the Planning Board is done. Mr. Sole stated he does understand that. Chairperson Drummond stated if this is not designed well, it could stick out like a sore thumb in that area. There is a small real estate office across the street and a residential house right next door. The church is set back. The detailing place is a house set up close and other businesses that are not very close to the road. Mr. Sole stated they are actually able to push the building back with their front yard at 75 feet, which puts them further back than the vet. This is a climate-controlled facility. Based on the site topography they have designed it so they could get access from each level. The lowest elevation would be accessed from the front and then you drive around the building to the upper elevation to access the second floor. This is a product called Stack and Store and they have been rolling out throughout Westchester and Connecticut as well as upstate New York. Chairperson Drummond asked if there were specific colors used. Mr. Sole stated the colors are generally red, white, and black. They are willing to work with the Board to come up with something that would be considered a good addition to the community. Chairperson Drummond asked if they needed this variance because they require the quantity of units to make the development financially feasible. Mr. Sole said that was correct. They are allowed to pave 75% of the lot and they are only proposing to cover 41% of it. They could have 35% of the building covered with the building footprint and they are only proposing 22%. They're looking for the floor ratio variance to have a full 42,000 square foot footprint over two stories.

Mr. Ahsan asked how many units overall would they be having for the consumers. Mr. Sole said 500.

Chairperson Drummond stated they are proposing land banked parking. This is not a parking intensive usage. It is not usually rush-hour traffic generating either. Mr. Sole stated that is why they feel this is an appropriate use for this location. Chairperson Drummond asked if the 45% included the land banked parking. Mr. Sole stated it is 41% and he does not believe that it includes the land banked parking. Even if they have to build it out it will still be far less than the 75% coverage they are allowed.

Mr. Ahsan asked if all of these four parcels were currently owned by the same owner and Mr. Sole said yes. Mr. Ahsan asked if they were going to consolidate them as one parcel and Mr. Sole said yes. Mr. Ahsan stated it would then be approximately 4.27 acres of property. They are not using all the space available to them.

Mr. Rickett asked if this proposal was originally three stories before the Planning Board. Mr. Sole said yes, it was an inquiry they originally made, but concerns were raised about the height. It would have been close to the same height as the church but narrower. They came back with a two-floor building that would still have the square footage that they need.

Chairperson Drummond stated they do have to bear in mind that if the business fails the next user will have this building and any approval that they make stays with the site. Mr. Sole stated any change in use would require the applicant to go back to the Planning Board, which would trigger the need for new reviews.

Attorney Cunningham stated there are a few threshold issues to discuss. Before this Board can schedule a Public Hearing, they have to decide if they want to see a full site plan first. They do understand the costs involved in that. They need to address the easement. He is more than willing to speak with the applicant's attorney regarding that. Mr. Sole asked from a statutory standpoint is there a point where this application would no longer be current. They would like to keep it moving forward as soon as possible. Attorney Cunningham stated he did not see any problem with keeping this current and before the Board. Hopefully within the next month most of these questions will be answered and, if they continue with a full site plan, they will be before this Board again. Chairperson Drummond stated she did not believe they would be the ones doing a Public Hearing. Attorney Cunningham stated he believes this should be coordinated review as that makes the most sense.

Chairperson Drummond stated she believes there are waitlists at current storage facilities, so she does see a need for something like this. They may need the Planning Board to circulate before they can go forward. The applicant should check with the office to see if they are needed at the next meeting.

**REVIEW – Appeal 4069 – Jessica DeRosa (6358-02-858546)**

Jessica DeRosa, 867 Route 376, Hopewell Junction, requesting a 126’ front line, 93’ left side, 61’ right side and 9’ rear line variance for an existing Doggie Day Care pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Jessica DeRosa was present.**

Chairperson Drummond stated she did like the site that was proposed for this application before. She is sorry it did not work out.

Ms. DeRosa stated she did not realize if she was renting the location, she had to follow all the same procedures and process as if she were owning, which is how she ended up before the Board. She has been at her current location for just over six months. She does understand the initial concern came from their fence. The building they rent has four suites, with the first two being occupied by law offices. They have not had any conflicts with these neighbors. They do have an ample amount of parking so that has not caused any of the other tenants any issues. The fence has not seemed to have caused any problems with any other tenants either. The children's center next door seems to appreciate the doggie daycare and sometimes brings the children over to visit. The neighbor behind them has an outdoor kennel of their own for their dogs, so they don't seem to have any issues either. Ms. DeRosa wants to stay in good standing with the Town. She does like the location she is currently in, however after her wedding this weekend, they will be looking for a piece of farmland or larger parcel where they can move this business so they can do it on a larger scale with no close neighbors.

Chairperson Drummond stated she walks past this property every day and did not know that this business was there. She does not hear the dogs. She had noticed more cars and was wondering why they were there. She does not see the business as being disruptive. She stated the fence is really ugly. She said it looks like a chain-link fence covered with black fabric. Ms. DeRosa stated she did that so that people were not seeing the dogs. She has no problem bringing the fence company back in and switching it to a different type of fencing that is more aesthetically pleasing. Chairperson Drummond suggested the landlord putting in additional bushes just to block it. Ms. DeRosa stated she could do that and include the other side next to the children's center as well. Chairperson Drummond stated unless you know it is back there, you would never guess. She thinks it just needs a little something to break up the mass of black and the mesh that is there. It is very functional.

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

Mr. Rickett stated they have to determine the measurements of the fenced in area to the property boundaries. They have the boundaries from the building but not for the fenced in area. They will need that in order to advertise properly.

Ms. DeRosa stated she is close friends with the landlord and at some point, it could evolve into her taking over this property as the landlord has health issues. Mr. Rickett stated the property has been merged from two originally separate lots. They had to do that because they could not have a fence on the property without a dwelling.

Chairperson Drummond asked what the hours of operation were. Ms. DeRosa stated they are 7 AM to 7 PM. On Sundays it is only from 8:30 AM to 6:30 PM. It is a very structured program for the dogs.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the July 25, 2023, meeting. Voted and carried unanimously.

**REVIEW – Appeal 4070 – Brian & Cynthia Seko (6558-03-071121)**

Brian and Cynthia Seko, 356 Augusta Dr., Hopewell Junction, requesting a 2’ side line variance for a proposed fence to be placed on the property line pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Brian and Cynthia Seko were present.**

Mr. Seko stated they are replacing an existing fence on the property line. It would tie into the neighbor’s fence. The applicant did speak to the neighbor about replacing the fencing. They did speak to A-1 Fence, who advised the applicant to keep their fence in line with the existing fence. It is a 6-foot stockade fence. Chairperson Drummond asked who would get the good side. Mr. Seko stated both sides look the same. It is a vinyl fence. Chairperson Drummond asked if it would be the same color as what is there now. Mrs. Seko stated it is currently wooden and it will be replaced with white vinyl.

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 4071 – Joseph Millosky (6755-04-635433)**

Joseph Millosky, 511 Holmes Rd., Holmes, requesting a front yard variance for an existing generator and propane tank and a 57’ variance for a proposed 24’X28’ 672 sf detached garage less than 100’ from Interstate 84 ROW pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Jospeh Millosky was present.**

Mr. Millosky stated this is the only place on the property that this could be put. It was also suggested as the location by his architect. Chairperson Drummond asked if the generator and fuel tank were already in their location and Mr. Millosky said yes. Chairperson Drummond asked if they were visible from anyone driving by. Mr. Millosky said not really. He is looking to plant trees across the front anyway. In the winter they might get a peek of it. The pool is within 10 to 12 feet of the house and there are boulders between the pool and the generator. He did plant plants around the generator to hide it some. He also wants to add a small fence and some trees.

Mr. Ahsan asked if he could bring the proposed garage closer onto his property. Mr. Millosky stated it is the only place it would fit. The leach fields are right behind there, and the garage is 20 feet past the leach fields.

Chairperson Drummond asked if he was proposing any additional access to there. Mr. Millosky stated the driveway goes straight back there. She asked if there was going to be a second curb cut anywhere and the applicant said no.

Mr. Ahsan stated the driveway for the garage terminates at the chain-link fence and then there is a carport that has access to Holmes Road. Chairperson Drummond stated it is worded a little off. It is one continuous driveway. Mr. Millosky stated he is not even planning to pave it. It is for mowers not really for vehicles.

Chairperson Drummond stated the house itself did not meet the 100-foot setback. Attorney Cunningham stated they should clean up the whole site. Chairperson Drummond stated normally they would not encourage anything closer to I 84 due to the noise, but it is just a garage. Mr. Millosky stated it may work as a sound buffer. Chairperson Drummond stated it is not oversized. He is asking for a two-bay garage. She asked if the existing house had a garage. Mr. Millosky stated it did, but they needed a mother/daughter set up. So now there is no existing garage.

Attorney Cunningham stated everything will need to meet the 100-foot setbacks so it will all require variances.

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 July 25, 2023, meeting. Voted and carried unanimously.

**REVIEW - Appeal 4072 – Paul Akins (6459-19-602079)**

Paul Akins, 47 N. Mission Rd., Wappingers Falls, requesting a 6’ side line variance for a proposed A/C compressor pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance

**Paul Akins was present.**

Chairperson Drummond stated the house is not finished yet as she walks by all the time. Mr. Akins stated it has been two years. He stated they were saving a lot of money because they are doing all of the labor themselves, however that does make it take longer. Chairperson Drummond stated they have very patient neighbors, and she did request that the applicant keep the site as clean as possible. The applicant now wants to put in an A/C compressor. He stated it will go on the right side of the house behind the bullpen for the basement. They did already replace the furnace with a new propane furnace, so they need the variance for the compressor.

Chairperson Drummond stated there are two open violations on the property. Mr. Rickett stated they are for property maintenance. Chairperson Drummond stated they are for tall grass and debris. The applicant stated there might still be some construction debris they need to clean up. The backhoe that is on the site is still being used. Mrs. Akins stated that shrubbery has always been there for over 25 years. They have never mowed that section of the yard. Mr. Rickett stated the violations are all tied to the construction and as the construction gets done, the violations will be cleared up.

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 July 25, 2023, meeting. Voted and carried unanimously.

**REVIEW – Appeal 4073 – Ezra Rand (Carosel Holmes) (6455-02-957940)**

Ezra Rand, 11 Old Townsend Rd., Hopewell, requesting a 65’ variance to build a dwelling less than 100’ from the Interstate 84 ROW pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Ezra Rand was present.**

Mr. Rand stated he has owned the property since the mid-1980s. He did build one house and the other was not built out at that time. Chairperson Drummond asked if he was looking to build on it now. Mr. Rand said build or sell, either one. He is surrounded by the Jackson Farm. He is just past William Jackson's house. He is at the end of Townsend Road. Chairperson Drummond asked why someone would want to build there. Mr. Rand stated it already is a buildable lot. Clerk Keenan stated he already has the variance to build on an undersized lot. These lots were approved before the Comprehensive Plan was adopted in 2002, which also created the 100-foot setback. Chairperson Drummond asked how close the house is likely to be to I 84. Mr. Rand stated the right-of-way is 65 feet to the house. I 84 is elevated from this property. Chairperson Drummond stated that the noise will come down into the lot. Mr. Rand stated he has stood there, and the noise is not bad. When they purchased the land, they created a berm with the intention of planting evergreen trees, but they have never done it. The berm is all overgrown. Chairperson Drummond asked if any of the berm needed to come down to do the construction for the house or driveway. Mr. Rand said no. Everything is engineered already. It is not a huge berm, but it does create a nice separation. Chairperson Drummond stated she worries about how close this residence will be to I 84. Mr. Rand stated when Jackson Farms gets developed it will all be right up against I 84.

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 July 25, 2023, meeting. Voted and carried unanimously.

**REVIEW - Appeal 4074 – Michael Renzetti (6555-00-496603)**

Michael Renzetti, 356 Woodmont Rd., Hopewell Junction, requesting a Special Permit in order to bring in 4,833 additional cubic yards of fill, pursuant to Section 194-75 of the Zoning Ordinance.

**Michael Renzetti was present.**

Chairperson Drummond asked if the applicant has brought fill into the site yet. Mr. Renzetti stated about 60 yards.

Engineer Bryant stated he strongly suggests a site visit. He was not there to witness how many trucks came in. There is a lot of disturbance on the property for just 60 yards to have been brought in. Mr. Renzetti stated he had material on his property that was there from when the house was built, and he did spread that out. He was able to spread it in front of, on the side of, and behind his house. He did not know he needed a grading permit, so he did not get one. There is a 40-foot cliff behind his house that he would like to work on. Chairperson Drummond asked how much usable backyard he has. Mr. Renzetti stated probably 18 to 20 feet of the backyard. Chairperson Drummond stated that is typical of Woodmont Road. She asked the applicant if he lived on the site, and he said yes. Chairperson Drummond asked how much additional area the 4833 additional cubic yards of fill would create on a 40 foot drop off. Mr. Renzetti stated between 250 - 300 feet wide for the entire length of his property, then it will slope down and add another 10 feet and then slope down and another 10 feet. Engineer Bryant stated that is almost a football field. Chairperson Drummond asked what would happen to the runoff. Mr. Renzetti stated it goes down the hill into two streams currently. Engineer Bryant stated originally there was forest there and now it will be soil which behaves and absorbs differently. He does believe an engineer needs to look to make sure there will be no downstream impacts. Mr. Renzetti stated the next neighbor below him is approximately 900 feet down from his house. Engineer Bryant asked how many loads of fill he thinks he needs. Mr. Renzetti stated 250 to 300 loads. Engineer Bryant stated they may need to consider the road and increased truck traffic. He stated there are many houses there with steep drop-offs in their backyards. Chairperson Drummond stated this is a very long lot. The construction entrance is not on his lot. Mr. Renzetti stated he has access to use it, but he did not create it. Chairperson Drummond asked how he gets to the rest of his property. Mr. Renzetti stated the kids climb on it. It is a steep cliff.

Engineer Bryant stated the Board needs to do a site visit. He does believe that there should be some downstream analysis provided and a monitor on-site. There is substantial fill being brought in on a steep slope. They will need to check if a Steep Slope Permit as well as the Fill Permit is required. Attorney Cunningham stated he believed they both would be required. Engineer Bryant asked if a Ridgeline Permit would be required. Chairperson Drummond asked who issues those. Mr. Rickett stated they would have to look into this. Chairperson Drummond asked how far out he could see. Mr. Renzetti stated approximately 5 miles out he can see another ridgeline.

Chairperson Drummond asked if they wanted to schedule a site visit as a whole or go on their own. Mr. Limitone stated he would rather go on his own. Chairperson Drummond stated they will let the applicant know when they will each be there. Between now and the July meeting they should all schedule their visits with the applicant.

Attorney Cunningham stated the applicant should retain an engineer. Engineer Bryant stated they should get a concept plan.

Mr. Ahsan stated there are several issues that need to be resolved prior to going to Public Hearing.

**ADJOURNMENT**

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 8:49 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary