

Town of East Fishkill

**ZONING BOARD OF APPEALS**

July 25, 2023

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were Alberto Paratore, Rocco Limitone (arrived late), Aziz Ahsan, Art Mahony, and Norma Drummond. 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 they would not be dealing with items number one and number two and number seven would have very limited action.

Chairperson Drummond stated the next meetings would be Tuesday, August 22, 2023, and Tuesday, September 26, 2023. The August 22, 2023 meeting will be held at the East Fishkill Fire District Headquarters building located at 2502 Route 52 due to a conflict at this location.

MOTION made by Aziz Ahsan, seconded by Alberto Paratore, to approve the minutes of the meeting held June 27, 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 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 or they are items that the Board has seen before, but needed additional information. 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. She reminded everyone that they are here because these are all requests for items that are not allowed by code.

**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. There was some additional engineering information that was provided to the Department that was reviewed, but was not found to be enough information to move forward.

**PUBLIC HEARINGS:****PUBLIC HEARING – Appeal 4069 – Jessica DeRosa (6358-02-858546)**

Jessida DeRosa, 867 Route 376, Hopewell Junction, is 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. (Public Hearing will be held August 22, 2023)

**No one was present.**

Chairperson Drummond stated this Public Hearing will be held August 22, 2023. The Board was waiting for additional information which has not been provided by the applicant so this application was not noticed to the public so it will not be opened.

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

Brian and Cynthia Seko, 356 Augusta Drive. Hopewell Junction, is 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 Town Ordinance.

**Brian & Cynthia Seko were present.**

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

Chairperson Drummond stated that the Board reviewed this application last month. There is an existing fence along the property line now. The applicant is looking to replace it in-kind. It is actually on the property line now and it will be replaced with a fence that has two good sides. Generally, a fence has one good side, and it needs to be facing the neighbor. Normally, it has to be 2 feet in from the property line to provide space for maintenance. There is a dog issue and some young children on the property. They are just replacing what is already existing.

Chairperson Drummond asked if there were any questions or comments 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 Alberto Paratore, to close this Public Hearing. Voted and carried unanimously.

4070

APPLICANT: Brian & Cynthia Seko

NAME OF PROJECT: Request for a 2’ side line variance from the requirements of the Schedule of Bulk Regulations and Section 194-98 of the Town Code for proposed fence to be placed on the property line

LOCATION: 356 Augusta Dr., Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6558-03-071121

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Aziz Ahsan

**WHEREAS**, the Applicants are preparing to replace an existing fence along the property line with their neighbors with a 6 foot high fence; and

**WHEREAS**, the existing fence is deteriorating; and

**WHEREAS**, replacing the existing fence would help to reestablish a safe barrier between the two neighbors as one has dogs and one has young children; and

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

**WHEREAS**, the Legal Notice was published in the Southern Dutchess News on July 19, 2023; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on July 25, 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;

The Variance is not 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 Brian & Cynthia Seko for a 2’ side line variance from the requirements of the Schedule of Bulk Regulations and Section 194-98 of the Town Code for proposed fence to be placed on the property line.

**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: Alberto Paratore

The votes were as follows:

Board Member Aziz Ahsan	Aye
Board Member Rocco Limitone	Absent
Board Member Alberto Paratore	Aye
Board Member Art Mahony	Aye
Chairperson Norma Drummond	Aye

**PUBLIC HEARING – Appeal 4071 – Joseph Millosky (6755-04-635433)**

Joseph Millosky, 511 Holmes Rd., Holmes, is 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.

**Joseph Millosky was present.**

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

Chairperson Drummond stated they reviewed this application last month. The generator is already installed. When the Building Department came out to inspect, they discovered that it was within the 100 foot right-of-way for I 84. The Town Code says you cannot build within 100 feet of the I 84 right-of-way. There is a lot of noise associated with I 84. In this case, the house is already existing and they are looking to build a detached garage which will actually act as a noise barrier. There is no garage already existing on this property.

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

Mr. Ahsan stated that there is also a proposed carport on the plans. Mr. Millosky stated he hasn't decided what exactly it will be but it will look good. Chairperson Drummond verified it would not be a canvas tent style and Mr. Millosky said no, it would be permanent. It would be something drawn up by the architect and built by the carpenter.

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 Alberto Paratore, to close this Public Hearing. Voted and carried unanimously.

APPLICANT: Joseph Millosky

NAME OF PROJECT: Requests for: (i) a front yard variance from the requirements of the Schedule of Bulk Regulations for an existing generator and a propane tank; (ii) a 57' variance from the requirements of the Schedule of Bulk Regulations for a proposed 24'X28' 672 s.f. detached garage less than 100' from the Interstate 84 Right-Of-Way; (iii) Variances for the dwelling, above ground pool and deck, that are less than 100' from the Interstate 84 ROW (the "Variances")

LOCATION: 511 Holmes Rd., Holmes (the "Property")

TAX MAP NUMBER: 6755-04-635433

ZONING DISTRICT: R-3

Resolution offered by Zoning Board Member: Alberto Paratore

**WHEREAS**, the Property currently has an existing generator and propane tank located in the front yard; and

**WHEREAS**, the Property is in an R-3 Zone, but the Property is undersized, totaling approximately one acre; and

**WHEREAS**, the Applicant is proposing to place the detached garage in the most logical location given the layout of 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 July 19, 2023; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on July 25, 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 layout of the Property;

The Variance from I-84 could be deemed substantial, but the I-84 setback was established after the lot was created.

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 requests of Joseph Millosky for (i) a front yard variance from the requirements of the Schedule of Bulk Regulations for an existing generator and a propane tank; and (ii) a 57' variance from the requirements of the Schedule of Bulk Regulations for a proposed 24'X28' 672 sf detached garage less than 100' from the Interstate 84 ROW; and (iii) Variances for the dwelling, above ground pool and deck, that are less than 100' from the Interstate 84 ROW.

**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              Absent

Board Member Alberto Paratore              Aye

Board Member Art Mahony                      Aye

Chairperson Norma Drummond              Aye

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

Paul Akins, 47 N. Mission Rd., Wappingers Falls, is 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.**

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

Chairperson Drummond thanked the applicant for cutting the vegetation. She stated this applicant has been here before. He and his wife were looking to do an addition and finish off the front of their house differently. They were correcting the stairs going off into the side yard and the front door is now off the front of the house. In putting on the addition they have come back to the Board because they need to be able to put the air conditioning compressor in, and the best place for it to meet up with an electrical panel is along the right side of the house. There is very little yard there between him and his neighbor and there is an existing fence. It will not be impactful visibly to the neighbor.

Chairperson Drummond asked if there were any questions or comments 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 Alberto Paratore, to close this Public Hearing. Voted and carried unanimously.

APPEAL NUMBER: 4072

APPLICANT: Paul Akins

NAME OF PROJECT: Requests for a 6’ side line variance from the requirements of the Schedule of Bulk Regulations for a proposed A/C Compressor

LOCATION: 47 N. Mission Rd., Wappingers Falls (the “Property”)

TAX MAP NUMBER: 6459-19-602079

ZONING DISTRICT: R-1/3

Resolution offered by Zoning Board Member: Art Mahony

**WHEREAS**, the Applicant previously obtained Variances as part of Appeal number 3986 for (i) a 3’ side line variance for a proposed covered front porch pursuant to the Schedule of Bulk Regulations and Section 194-3 of the Zoning Ordinance; and (ii) A 13’ sideline variance for an existing 10’x16’ shed and an existing 10’x12’ shed, pursuant to Section 194-107 of the Zoning Ordinance as part of a home reconstruction; and

**WHEREAS**, the Applicant is applying for an additional variance for an AC Compressor; and

**WHEREAS**, there are a couple of property maintenance violations on 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 July 19, 2023; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on July 25, 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 is not 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 Paul Akins for a 6' side line variance from the requirements of the Schedule of Bulk Regulations for a proposed A/C Compressor on the condition that the Applicant resolves the existing property maintenance violations.

**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	Absent
Board Member Alberto Paratore	Aye
Board Member Art Mahony	Aye
Chairperson Norma Drummond	Aye

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

Ezra Rand, 11 Old Townsend Rd., Hopewell, is 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.**

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

Chairperson Drummond stated they did have the opportunity to review this application last month. This property has previously got approval from the Zoning Board for variances to be able to build on an undersized lot. That is not the issue on the table before this Board tonight. The issue before the Board is that there is a 100-foot I 84 right-of-way setback that was put in place after this lot was created. The

applicant already has the other variances that are needed. The biggest issue with this property is a drainage issue. There are previous conditions on the previous Zoning Board Resolution that need to be adhered to and met. She asked if the applicant was selling this or planning to build. Mr. Rand stated he is not sure what he will do but if he does build the engineer will provide drawings to the Town Engineer for approval. Drainage will not be an issue. Chairperson Drummond stated anyone who buys this house should be aware that this is located near the farm as well. Manure and other smells are going to be prevalent in summer.

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

Chairperson Drummond asked if there was anyone else from the public to speak for or against this application. Chairperson Drummond reminded everybody that this is already an approved buildable lot. They are just here to discuss the fact that he is looking to put part of the house in the setback from the 100 foot right-of-way for I 84.

Amy Kunkle asked if she could oppose the building of the house. Chairperson Drummond stated it is already approved as a buildable lot. That approval goes back to 1984. She stated she came to a meeting a long time ago when it was several neighbors, and they opposed the building of this lot. Her backyard will be facing this house. I84 is already so loud and with all of these trees being cut down, they will be looking directly at this house and the people will be stepping right out of their house almost onto I 84. She does feel this is dangerous. She cannot imagine how bad the noise level will be if these trees are cut down. She stated she did go to that meeting to oppose them being able to build but never received a letter stating that anything was approved. Chairperson Drummond stated those letters were not sent out back in 1984. Noticing for these meetings only went into play approximately 15 years ago. Chairperson Drummond stated that the impacts to Mrs. Kunkel would be with the additional trees coming down. Her concern is additional noise. Mrs. Kunkel said her view is also a concern. She is also concerned no one will buy it because it will be so close to I 84 and then it will be a vacant house.

Thomas Kunkle asked if there was a lien on the property or any owed taxes. Chairperson Drummond stated that is not the purview of this board. He stated his other concern is that there used to be a pond back there and asked if it was a designated wetland of the DEC. Chairperson Drummond stated none of that information has been brought to the attention of this Board. It is already an approved buildable lot. Any of that information like that would have been dealt with during the previous approvals. Mr. Kunkel

stated he never received any follow-up information from that. Mr. Ahsan stated that even from today's hearing the neighbors will not be given written follow up. Mr. Kunkel stated he believed this property was part of an EPA Superfund site. He asked how you could build on a Superfund site. He stated he has experience with this and that you cannot build. He stated the ground water had a problem with the EPA and New York State. Chairperson Drummond stated that is not something that has to do with dealing with the setback of the I 84 right-of-way, which is what this hearing is about. It is not something that this Board should be considering. If it is an issue, it is something the applicant will have to deal with. You can mitigate environmental hazards. It can be costly, but it can be done. Chairperson Drummond asked if the Kunkel's house was impacted by the groundwater issues and Mr. Kunkel said yes. He stated it could not be cleaned up. He stated he was the director of the DEC in the New York City area. It is very difficult to mitigate those concerns. He does not want anything drawing additional issues onto his property. Chairperson Drummond stated that drainage would have to be to the satisfaction of the Town Engineer. It is already included in the resolution that was approved in 1984. That provision would be reinstated to make sure that any drainage is reviewed by the Town Engineer. They are aware of that as an issue, but it is not an issue that this Board is looking at right now.

Chairperson Drummond asked Mr. Rand if this was a Superfund site. Mr. Rand stated that one of IBM's subcontractors polluted the groundwater and IBM paid for the water line from the Poughkeepsie water to East Fishkill and then the Shenandoah Water District was created. This lot has a curb stop right in front of it, as do all of the houses that are in this water district. There is town water available.

William Mayhew stated that he is new to the neighborhood but is related to the Jacksons. Will and Mary Jackson's property is a direct neighbor to this application. The property there is a beautifully wooded piece and appears to be a bird sanctuary. I 84 is extremely close. He believes a house on this property would really change the quality of his life. Having all of those trees cut down would be a big impact. He feels his property will be heavily burdened by having another house there and removing the trees. He will expose all of the neighboring houses to I 84 views and noise.

Mr. Kunkel stated he does understand that this property could be hooked up to town water but he states that due to the size of the property there is not enough land for a house and a septic. There was a pond there for at least 30 years, which would have an impact.

Mr. Ahsan asked if the applicant was planning to replace trees being cut down. Mr. Rand stated if he were to build on it, he would be removing as few trees as possible, as he would want a tree barrier as well.

Chairperson Drummond stated according to the map, the applicant is asking for a 65 foot variance. The house being proposed is only 35 feet away from the property line. She asked what his guess was for how far the house was from the property line to the pavement to I 84. Mr. Rand stated he is not sure. His surveyor may not have identified it. He did say I 84 sits higher than the lot. Chairperson Drummond stated she guessed it would be about 60 feet. They are only proposing a 30' x 50' raised ranch. Mr. Rand stated if he was going to build it, it would be a 1200 square foot house and as opposed to a 1500 square foot house. He stated when he purchased this property there were no trees on this land. Every tree on that lot has been natural growth over the last 40 years. Chairperson Drummond asked how many trees have a diameter of over 3 inches or greater. Mr. Rand stated the last time he had a machine on that lot was 10 to 15 years ago. He does not think there will be a lot of trees that will be coming down. They cleared the area for the driveway then. The area behind the house will be against the berm. There is a lot of shrub and overgrowth, but not many trees. Where the Town has the drainage easement along the back does have tree growth. Chairperson Drummond stated they will need to put in a septic and room for a 100-percent expansion of that septic, so that is additional area that would be cleared. Mr. Rand stated this area will be the backyard. Chairperson Drummond stated anyone who buys that lot may want to clear it.

Mr. Mayhew stated he would be willing to provide photos to show the existing trees. On the back of Will Jackson's property there is a berm for water control. He stated in 40 years trees can grow substantially. Chairperson Drummond stated she does understand that the focus right now is only the lack of the full 100 feet in the right-of-way. The lot already has the ability to build a house there. She does understand the concerns and is trying to figure out the best mitigation. Perhaps there could be a requirement to replace trees and put in additional drainage. They have to make sure that they're not putting in something that would block additional drainage.

Pamela Henry asked when this was approved for building on, and Chairperson Drummond stated in 1984. Mr. Rickett said it was approved in 1982 and re-approved in 1984. Ms. Henry stated she knew there was a drainage issue and thought all the drainage was directed to that area. Chairperson Drummond stated there is a drainage easement that the Town has at the back of the property. There are

drainage conditions that will put on the approval to build on this lot and those conditions will have to be met. That is not the issue that this board is dealing with. Mrs. Henry stated there are not just shrubs there, there are large trees. Chairperson Drummond stated the applicant is acknowledging there are large trees on the back beyond where the house will be built.

Chairperson Drummond stated she suggests that they close and reserve on this application. She stated that means they have 62 days to make a decision. They need to consider all of the comments that were made tonight and see if there are any additional conditions on the approval. They will have to make this decision at the August meeting.

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

#### **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 present for this application. There was no one. Chairperson Drummond stated they had a conversation with this applicant months ago. The applicant was told to reconsider. The clerk has reached out several times and they don't necessarily get back to her. Last month they decided they would give the applicant one more month to come back and they are here. They discussed at that point if the applicant did not show up, they would deem this application of abandoned. Mr. Rickett said Attorney Cunningham has tried to reach them as well.

**MOTION** made by Aziz Ahsan, seconded by Art Mahony, to consider the application abandoned and refund them their fee except for five dollars. Voted and carried unanimously.

Chairperson Drummond stated this does not preclude them from reapplying.



**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.

**No one was present.**

Chairperson Drummond stated this was an action that they previously reviewed. It needs to go before the Planning Board and have action there before the Zoning Board can do anything.

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

Michael Renzetti, 356 Woodmont Rd., Hopewell Junction, is 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 stated that at the last meeting the Town Engineer encouraged the Zoning Board to do a site visit to see what the applicant is proposing to do. Chairperson Drummond wanted to acknowledge the beautiful vista and viewshed from the location. One can see for miles out. She stated she could not see another house in that whole skyline. There is one house, they have been told, and that can be seen at certain times of the year. Mr. Ahsan stated he saw it. There is only one additional lot beyond this property on Woodmont Road, but it is not built on yet. Chairperson Drummond stated they have very limited space. There is a garage in the back of the house, so somebody backing out could back up too far and go down the embankment and it is a huge drop. The danger is real there. It is a significant drop off. There is no guard rail or anything to stop somebody from backing up too far. She stated what worries her is if it was going to be a green area, somebody across the vista would see a house and grass and it's not a big deal. If it's going to be a parking area for the garage it's more intrusive on their view. Mr. Renzetti stated the house that he can see is at least 6 miles away. He stated they park out front. The back of the property is just a little work area. Occasionally he parks the car back there but mostly the cars are parked in front of the house. Chairperson Drummond asked if they were putting anything along the edge of the significant drop off. Mr. Renzetti stated eventually he would put in boulders or a fence and shrubs. Chairperson Drummond stated boulders would be much more aesthetically pleasing there

and would be less intrusive. She feels that would be the way to go, but he cannot put them there now because it will reduce the small amount of usable area he has.

Mr. Ahsan stated he did a site visit and the backyard has a gorgeous view and the closest neighbor that can see this house is at least 5 miles away. The drop is substantial and the amount of fill that the applicant is requesting has been calculated for the area he is looking to fill in. They are trying to improve the back area and one concern for him is the turning radius. Boulders up there would be a natural barrier for anyone trying to turn around. He does not believe there will be any neighbor issues.

Mr. Paratore stated this is a beautiful piece of property and the applicant has answered all of his questions when he was there for his site visit. He does agree that boulders will be the most natural looking way to put up a barrier.

Mr. Mahony asked if they were filling with rock. Mr. Renzetti stated he's going to try to do most of it with shot rock. Down below will be more boulders and he might put his silt fence all the way back up. Hay bales are back down there and the silt fences back up after those 12 inches of rain, which did a lot of damage to the neighborhood.

Chairperson Drummond asked if there were any questions or comments from Board members. There were no additional questions. Chairperson Drummond stated that the Town Engineer did bring up the possibility of there being permitting issues with steep slopes. The applicant said he thought there would be one needed. He understands he does have to get a permit if it is required.

**MOTION** made by Aziz Ahsan, seconded by Alberto Paratore, to advertise and set this for Public Hearing for the August 22, 2023, meeting. Voted and carried unanimously.

**REVIEW – Appeal 4075 – Kristina Thomsen & Geurys Lopez (6357-03-453423)**

Kristina Thomsen, 39 Elk Rd., Hopewell Junction, requesting a 3' side line and 10' rear line variance for a proposed 300 sf deck pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Geurys Lopez was present.**

Chairperson Drummond stated this application is in Whorley homes which has smaller lots. The applicant stated he is looking to build a deck attached to his dining room. Then they were building the addition, they only put it 12 feet from the property line instead of 15. They want to wrap it around and have it line up with the end of the addition.

Mr. Rickett stated they need to deal with the addition as well. Mr. Lopez stated the addition was built in 1999. Mr. Ahsan stated the survey they have is from 1958. They will need an updated survey. Mr. Lopez stated he has only been in the house for three years. Chairperson Drummond asked if the new survey was done for his mortgage. If they can get that survey, it should have the property lines and proper measurements. She stated what they are proposing sounds like it will look very nice, but they need to make sure that they clean up the whole site at one time.

Chairperson Drummond asked if there were any questions or comments from Board members. There were none. Chairperson Drummond stated they are not setting this for Public Hearing just yet because they need to make sure they have all the right measurements in order to advertise properly.

**REVIEW – Appeal 4076 – Michael O’Halloran (6356-04-562202)**

Michael O’Halloran, 19 Birch Dr., Hopewell Junction, requesting a 7’ front line variance for a proposed Dwelling, garage and front porch pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Ryan Angioletti and Bill Povall were present.**

Mr. Angioletti stated his brother-in-law tried to do this on his own. He was not involved in this from the beginning, but he will be involved from now on. He knows this property as he lives on Fishkill Hook Road. His understanding is that this property needs three variances, not the one that he got. The variance was to build on an undersized lot. He went forward with the Westchester Modular Homes thinking everything was okay. This house is now in production, and with the front porch, it will be 7 feet wider than he is supposed to be. Chairperson Drummond stated this is the application that they told him multiple times that this had to be a narrow house, and to make sure that it was what he needed. Mr. Angioletti stated that his brother-in-law is asking for what every other house in the development has. The seven feet he is asking for includes the front porch. The reason he needs the front porch is because of the elevation. He believes his brother-in-law did not understand that it was not just the house. Chairperson Drummond stated they asked him so many times if he understood that it was not just a house. They asked him to lay it out and flag it so he could see the exact amount of property the house and extras could include. Chairperson Drummond verified that the garage is in the area that needs the variance as well but there is room behind the garage so why can’t it get moved back. Mr. Povall stated that with this particular lot the depth is 125 feet. In this zone the minimum lot depth needs to be 150 feet. It is 25 feet short. There is also a 50-foot front yard setback and a 50 foot rear yard setback. That only leaves the buildable envelope of 25 feet deep. Chairperson Drummond stated they went through all of this with Mr. O’Halloran. Mr. Povall stated they held the back line and once they added the front

porch and the garage he needed a 7 foot variance. Chairperson Drummond asked why the garage can't go back to the buildable area. Mr. Povall stated he shifted the garage forward to line up with the deck for the roof lines. Mr. Povall said it would still need the variance because the front porch goes out to the front line. Chairperson Drummond asked what the elevation difference was between the ground and the porch floor. Mr. Povall stated it is probably approximately 6 steps. Mr. Angioletti stated when they shift the garage, it looks like all the other houses in the area. Mr. Povall stated in a brand-new subdivision you have a 50-foot-wide right-of-way and a 24 foot road, so from the center lane you'd have 12 foot lane, then 13 foot shoulder. In this case the shoulder from the edge of the road and the front property line is closer to 17 or 18 feet. Chairperson Drummond stated then the perception is that it is a larger front yard. Mr. Povall stated there are 3 or 4 additional feet in the shoulder. He has seen other developments where the shoulder is only 5 feet wide before the property. He stated they also need a lot depth variance as well as the front yard setback variance as the lot is 125 feet. Mr. Angioletti stated he does not think that his brother-in-law understood all of the variances required. He is hoping they would be able to get the variance for the 7 feet because the house is already in production. If it was a stick build they would have a little more wiggle room. Chairperson Drummond stated you don't usually start production until the foundation is in. She asked if the foundation was done. Mr. Angioletti stated the home can be ordered and then they give you the foundation plan. Chairperson Drummond stated they were so clear with this gentleman in regard to the limitations of the property. She asked if they have spoken to the neighbors. Mr. Angioletti stated one side is vacant. Mr. Povall stated when he was out there, they did speak to the neighbor on the other side.

Mr. Rickett stated if there any other variance that would be needed they should address them right now. Mr. Povall stated the compressor could be to the left side of the house and remain in the footprint. Chairperson Drummond asked about a back deck and Mr. Povall stated it will be a walkout in the back.

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

**MOTION** made by Aziz Ahsan, seconded by Alberto Paratore, to advertise and set this for Public Hearing for the August 22, 2023, meeting. Voted and carried unanimously.

**REVIEW - Appeal 4077 – Kevin Keegan (6657-01-132645)**

Kevin Keegan, 17 Sunny Lane, Stormville, is requesting a 63' side line variance for a ground mounted solar panel, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Emily Worthman was present.**

Ms. Worthman stated they are looking to install a ground mounted solar array at 17 Sunny Lane. This will be next to the existing array. The array would consist of 20 Q Cell modules with one inverter. The new array would only be for personal use. The variance is because this will be in close proximity to the existing array and the location was determined to be the most beneficial based on the path of the sun. There is already natural screening around the area that will screen it from the abutting parcels into the road. There are a number of neighbors that have reached out and given their consent and approval. The location would avoid damaging Mr. Keegan's leach field.

Chairperson Drummond stated this array looks like it is larger than the existing array. She asked what the original one was sized for. Mr. Rickett stated this is the one that came before them and they granted a 50 foot variance. He needs an additional 13 feet. The prior company measured wrong. Chairperson Drummond asked Ms. Worthman if they are sure this is what they need. She said yes. They redid measurements in June.

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

**MOTION** made by Aziz Ahsan, seconded by Alberto Paratore, to advertise and set this for Public Hearing for the August 22, 2023, meeting. Voted and carried unanimously.

**REVIEW – Appeal 4078 – Davie Carino (6558-04-941304)**

Davie Carino, 3 Mc Donnell's Ln., Hopewell Junction, is requesting a 16' side line variance for a proposed 24'X30' (720 sf) detached garage pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Gary Beck was present.**

Chairperson Drummond asked why they were proposing to put the garage where they are proposing it. Mr. Beck stated the lot is 85 feet wide. It is a narrow lot that slopes toward the back and the septic is in the rear of the property. There is a small garage under the rear concrete bunker in the back but it is more for lawn equipment. He does keep his motorcycles in there but it is difficult driving down the sidewalk on a steep slope. He would like to put a two-car garage in front. It is proposed as 24' x 30' to keep his pickup truck, cars, and motorcycle in. Mr. Beck brought elevations for the Board as well.

Chairperson Drummond stated there is a garage under the deck but it is one bay. It looks like the ground slopes into the garage.

Chairperson Drummond asked how tall this garage was going to be. Mr. Beck said it is 8'8" to the eaves. They are try to keep it similar to what is in the area. It would be very expensive and difficult to match the existing roof so by keeping it a little more to the left it helps with water and snow between the house and the garage.

Chairperson Drummond asked if the applicant has talked to the neighbors. Mr. Beck said yes.

Chairperson Drummond asked if there was any vegetation between the two properties. Mr. Beck stated the neighbors have very large trees that are already there and their house is approximately 200 feet away.

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 August 22, 2023, meeting. Voted and carried unanimously.

**ADJOURNMENT**

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 8:22 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary