

Town of East Fishkill

ZONING BOARD OF APPEALS

August 22, 2023

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were Alberto Paratore, Aziz Ahsan, Art Mahony, and Norma Drummond. Michael Cunningham, Attorney; and Jackie Keenan, Clerk, were also present.

Chairperson Drummond led the meeting with the Pledge of Allegiance.

CHAIRPERSON'S COMMENTS:

Chairperson Drummond stated that normally these meetings are video recorded so people can watch them on TV but since this meeting is at the East Fishkill Fire District headquarters that is not available for the evening.

Chairperson Drummond went through the procedures for the meeting. She stated that the first part of the meeting is a Decision. They have already heard from the neighbors and had the Public Hearing. They just needed to review the input from the neighbors. Next will be the Public Hearings, which are applications that this Board has already had the opportunity to review. Neighbors are 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. She stated there would be no actions on items 2, 3, 8, or 9.

Chairperson Drummond stated the next meetings would be Tuesday, September 26, 2023, and Tuesday, October 24, 2023.

MOTION made by Aziz Ahsan, seconded by Art Mahony, to approve the minutes of the meeting held July 25, 2023 as amended. Voted and carried unanimously.

DECISION – 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.

Chairperson Drummond stated they held the Public Hearings. The neighbors had quite a few questions and concerns. Most of them were in regard to not wanting the applicant to be able to build a home on this lot however, this was an approved building lot in 1984 and this Public Hearing was just to deal with the home being in the Interstate 84 right-of-way due to a change of the zoning after it became a buildable lot.

APPEAL NUMBER: 4073

APPLICANT: Ezra Rand (Carosel Homes Inc.)

NAME OF PROJECT: Requests for a 65’ Variance from the requirements of the Schedule of Bulk Regulations to build a dwelling less than 100’ from the Interstate 84 ROW

LOCATION: 11 Old Townsend Rd., Hopewell (the “Property”)

TAX MAP NUMBER: 6455-02-957940

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Aziz Ahsan

WHEREAS, the Property is vacant land that the Applicant bought in the mid-1980s; and

WHEREAS, the Property received Variances in 1982 pursuant to Appeal number 1073, 1984 pursuant to Appeal Number 1201, and 2001 pursuant to Appeal Number 2636 to build a single-family house on an undersized lot; and

WHEREAS, the Property abuts I-84; and

WHEREAS, this lot was created prior to the establishment of the enhanced set back requirement from the I-84 ROW

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 size and 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 Ezra Rand of Carosel Homes Inc. for a 65' Variance from the requirements of the Schedule of Bulk Regulations to build a dwelling less than 100' from the I-84 ROW subject to the Town Engineer or its designee approving a plot plan and drainage on the site issued by a licensed professional engineer prior to the issuance of a building permit;

BE IT FURTHER RESOLVED, said approval is subject to the conditions in the letter from Morris & Andros dated June 12, 1984 and approvals from the Dutchess County Board of Health. Easements must be approved by the Town Attorney and legally conveyed to the Town prior to the issuance of a building permit;

BE IT FURTHER RESOLVED, said approval is subject to the applicant developing a proper engineering analysis and design with the approval of the Town Engineer with respect to the swale and drainage in the rear of the property towards I-84. It is also contingent upon the applicant undertaking and paying for any and all improvements that may be necessary to the drainage easement and swale so that the building of this site does not have any impact upon the right-of-way or drainage on this site or any adjoining sites that are served by the drainage easement.

BE IT FURTHER RESOLVED, that the applicant will comply with all superfund requirements.

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

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 application was not being addressed. At this point the neighbors will be re-noticed before it is re-opened again. The applicant is working with the Engineering Department, but they are not ready to move forward yet.

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.

No one was present.

Chairperson Drummond stated this Public Hearing will not be opened tonight. They are still waiting for additional information.

PUBLIC HEARING – 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.

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 two months ago. Then they did a site visit at the request of the Town Engineer. This is a very unique parcel with a spectacular view shed. At the back of the home, there is an almost immediate significant drop off of 40 to 50 feet. There is not a lot of usable land behind the house. If someone were to back out of the garage too far, it would be a serious drop. They did have a concern about what the visual impact would be on the other side of the ravine looking towards this home. The closest house is approximately 6 miles out. The applicant did state that they would use boulders as a border to make sure that the other side doesn't see a big wall or fencing. Chairperson Drummond also stated that they may need to go to the Town Engineer for input as to whether or not this will require any steep slopes actions.

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: 4074

APPLICANT: Michael Renzetti

NAME OF PROJECT: Application for a Special Permit to bring in 4,833 additional cubic yards of fill to his property pursuant to Section 194-75 of the Town Code

LOCATION: 356 Woodmont Road, Hopewell Junction

TAX MAP NUMBER: 6555-00-496603

ZONING DISTRICT: R-3

Resolution offered by Zoning Board of Appeals Member: Alberto Paratore

WHEREAS, the Property is approximately five (5) acres; and

WHEREAS, there is a steep drop-off in the rear yard, which has the potential to create safety hazards; and

WHEREAS, the Applicant now wishes to add 4,833 cubic yards of fill to make his rear yard safer and more usable; and

WHEREAS, this is an unlisted action under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Legal Notice was published in the Southern Dutchess News on August 16, 2023; and

WHEREAS, the Zoning Board of Appeals (“ZBA”) held a Public Hearing on August 22, 2023;

NOW, THEREFORE, as a result of the foregoing, the Decision and Order of the Zoning Board of Appeals is as follows:

1. This action will not result in a significant adverse environmental impact, and therefore, the ZBA issues a Negative Declaration pursuant to the State Environmental Quality Review Act (“SEQRA”); and
2. This application meets the requirements of Section 194-75 of the Town Code, and therefore, the ZBA **GRANTS** the application for a special permit for 4,833 cubic yards of fill, subject to the following conditions:
 - a. The Applicant shall submit a plan, to the satisfaction of the Town Engineer, which includes erosion and dust control practices;

- b. All fill brought to the Property must be clean fill without any deleterious material;
- c. Twelve (12) is the maximum number of loads of fill that can be brought to the Property per day;
- d. Fill may only be brought to the Property between 8:00 AM and 4:00 PM on weekdays;
- e. Fill may not be brought to the Property on weekends or on holidays; and
- f. The Applicant shall obtain a Steep Slopes Permit, if necessary, from the Engineering Department.
- g. The Applicant must establish an escrow account to the amount of \$3,500 for the inspections by the Town’s environmental monitor.

NOW THEREFORE, 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.

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 Decision & Order to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Zoning Board Member: Art Mahony

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 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.

Ryann O’Halloran was present.

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

Chairperson Drummond stated they previously reviewed this application. Mr. O’Halloran had been told by the Board that this was a very wide, but very narrow lot and the house would have to be very narrow to fit in the buildable area. They had an intense conversation about the many limitations that would be on this lot and he stated he understood them. Last month his brother-in-law came in and said that the house is now in production with a modular home company, and it will require a variance as it will not fit in the buildable envelope. The front porch is 7-8 feet out and they moved the garage up to square up with the porch. They ordered the house without getting the approvals first. The Board tried to be very clear explaining what could or couldn’t be done on a lot this size. Chairman Drummond asked Mrs. O’Halloran if there were any other variances that they needed, and she assured them they did not.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan wanted it on the record that they did emphasize to the applicant that this was a very small lot and a stick build would be the way to go. The applicant ordered a modular home and there is no wiggle room with changing those sizes. Moving forward he needs to understand the limitations of this lot.

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

A representative from Century 21 stated that her client owns the vacant lot next to the parcel. She said her client has called several times to get approval to build on a “less than 1 acre” lot and has not been able to. She stated she is not opposed to this. She stated that they will not be able to drill a well there due to contamination. This is a superfund site and they have been told that they need to bring water in from

Rt. 52. Mr. Ahsan asked why they cannot hook up to the Town water. The applicant will be doing that. Chairperson Drummond asked if they had any questions specific to this application and she said no. There was no one else from the public with questions or comments.

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

APPEAL NUMBER: 4042

APPLICANT: Michael O’Halloran

NAME OF PROJECT: Variance from the requirements of Section 194-130 of the Town Code to build on an under-sized lot (+/- .86) in an R-1 Zone

LOCATION: Birch Drive, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6356-04-562202

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the Applicant has requested to build a single-family house on an undersized lot; and

WHEREAS, the Applicant’s lot, at +/- 0.86 acres, is nearly one acre in size and similar in size to other neighboring lots; and

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

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

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

WHEREAS, the Zoning Board of Appeals finds that:

The granting of the Variance will not produce an undesirable change in the character of the neighborhood since the Applicant intends to build a single-family home, which is what the Property is zoned for;

The desired result cannot be achieved by other means due to the size 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 from Michael O'Halloran for a Variance from the requirements of Section 194-130 of the Town Code to build on an under-sized lot (+/- .86) in an R-1 Zone.

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 James Meier Aye

Board Member Aziz Ahsan Absent

Board Member Rocco Limitone Aye

Board Member Alberto Paratore Aye

Chairperson Norma Drummond Aye

PUBLIC HEARING – 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.

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

Chairperson Drummond stated they are looking to install a ground mounted solar array at 17 Sunny Lane. This will be next to the existing array. The original company that was hired to install the solar array had measured incorrectly. The applicant did the Public Hearing and heard any comments from the neighbors and then changed solar companies to proceed. When the new company came in and re-measured the lot, they discovered they needed additional footage for the variance. The size of the solar array is not changing at all. The panels will be placed in the same areas as they had discussed prior.

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 Art Mahony, to close this Public Hearing. Voted and carried unanimously.

APPEAL NUMBER: 4077

APPLICANT: Kevin Keegan

NAME OF PROJECT: A 63’ side line Variance from the requirements of the Schedule of Bulk Regulations and Section 100-7 of the Town Code for a ground-mounted solar panel

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

TAX MAP NUMBER: 6657-01-132645

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Aziz Ahsan

WHEREAS, the Applicant obtained a 50’ side line Variance from the ZBA pursuant to Appeal Number 4043 to install a ground-mounted solar panel; and

WHEREAS, in addition, he received Special Permit approval from the Planning Board; and

WHEREAS, thereafter, the Applicant determined that he actually needed a 63’ side line Variance; and

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

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

WHEREAS, the Applicant has proposed adding the new ground-mounted solar panel in the same general location as the existing array for his own personal use; and

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

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

WHEREAS, the Zoning Board of Appeals held a Public Hearing on August 22, 2023; and

WHEREAS, the Legal Notice was published in the Southern Dutchess News August 16, 2023; and

WHEREAS, the Zoning Board of Appeals finds that:

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request from Kevin Keegan for a 63’ side line Variance from the requirements of the Schedule of Bulk Regulations and Section 100-7 of the Town Code for a ground-mounted solar panel.

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

Resolution Seconded by Zoning Board Member : Art Mahony

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 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.

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

Chairperson Drummond stated they did have the opportunity to review this application last month. This is a long, narrow lot. There is a garage in the back of the house, but it is at a lower elevation. There is no garage in the front at this time. The applicant is unable to park his truck there. He is looking to put up a garage that will be more functional and have some storage space at the front of the house, which is higher.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan asked about the shed behind the chain-link fence and Clerk Keenan said it is very far back. It also has a permit. Chairperson Drummond asked if they had resolved the building permit issues, and Mr. Beck stated they are working on them.

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

Terrance Wilson stated he is the property adjacent to this and his only concern is the size of the variance. One application and survey says is 4.6 feet from the property line and the advertising said it is 9 feet from the property line. There is a line of 40-foot-high evergreens between the properties. His concern is that if they are building within 4 feet of the property line, digging could cause the root systems damage, which could then impair the health of the trees and they could come down on his neighbor's new garage. The trees are planted within 2 feet of the property line.

Mr. Beck stated they are looking to put it closer than 9.6 feet. His location has it at 4.6 and this was done to match the roof line of the house itself. If they are allowed to keep it 5 feet off the house, where he is showing it, they might possibly be able to do it with piers and a monolithic pour, which could also help prevent any damage to the tree roots.

Mr. Wilson stated, at one point, all of the houses on that road were part of one original homestead property. The trees are very old, and he does not want anything to happen to them.

Mr. Ahsan stated he wants to make sure it was advertised appropriately.

Mr. Beck stated he could move the garage to match the variance notice, but he will have to change the roof line of the house. Attorney Cunningham stated if the applicant wants a 15-foot variance and noticed for a 16-foot variance, it would not be a problem. Mr. Beck said they may be able to set it back farther, which would get them about 10 feet away and should keep the root system safe. He will move it closer to the house to meet the variance and can go deeper, which won't change the variance.

There was no one else from the public to speak for or against this application.

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

APPEAL NUMBER: 4078

APPLICANT: Davie Carino

NAME OF PROJECT: A 16' side line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 24'X30' (720 s.f.) detached garage

LOCATION: 3 Mc Donnells Ln., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6558-04-941304

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Alberto Paratore

WHEREAS, the Property is a long, narrow lot with little width relative to the overall size of the lot; and

WHEREAS, the existing garage is currently used for other equipment; and

WHEREAS, the proposed garage would have siding with the same aesthetic look as the existing home; and

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

WHEREAS, the Zoning Board of Appeals held a Public Hearing on August 22, 2023; and

WHEREAS, the Legal Notice was published in the Southern Dutchess News August 16, 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 could not be achieved by other means due to the narrow width of the Property;

The Variance could be deemed substantial, but the Applicant lacks viable alternatives given the layout of the lot;

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby
approves the request from Davie Carino for a 16' side line Variance from the requirements of Section

194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 24'X30' (720 s.f.) 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	Absent
Board Member Alberto Paratore	Aye
Board Member Art Mahony	Aye
Chairperson Norma Drummond	Aye

REVIEWS:

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. This will be held over until the September 26, 2023 meeting.

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

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

No one was present.

Chairperson Drummond stated this application was being held over until the next meeting.

REVIEW – Appeal 4079 – Volodymyr Kondzelko (6456-02-773978)

Volodymyr Kondzelko, 18 Kent Rd., Hopewell Junction, requesting a 22’ side line variance for a proposed 25’x16’ (400 sf) detached garage and 5’ front line variance for a proposed covered front porch pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Volodymyr Kondzelko was present.

Chairperson Drummond asked how long the applicant has lived at this location. He said they purchased it in March, 2021. They have only been living there for a year. There is no garage on the property, just a small shed in the back that is falling apart. Chairperson Drummond asked if this garage was going to go just past the retaining wall. She stated the house appears to be nonconforming. The house was built in the 1960’s. The survey was just done in July and chairperson Drummond asked if the applicant could take the survey back to the surveyor and have him input all of the measurements from the house to property lines. They also need to be sure that the AC unit is outside of the 25-feet as well. Chairperson Drummond stated it appears that the right side of house and the front of the house will need variances.

Chairperson Drummond stated this proposed garage is only 16 feet wide so it will only be one bay. She asked if he needs the whole 16 feet since one bay is usually 12 feet. Mr. Kondzeklo stated he has two children and yard toys and equipment and would like to store them in the garage too. Chairperson Drummond asked if he could go further back. Mr. Kondzeklo stated he really wanted the storage space. Chairperson Drummond suggested keeping the same square footage, just making it narrower and longer. She asked if he had spoken to his neighbor yet. Mr. Konzeklo said he has, and he was given a letter of support from the neighbor. The neighbor will be removing an older shed as well.

Chairperson Drummond asked about the shed in the back because it looks like it needs a variance too. Mr. Konzeklo stated he will be removing that shed if he can build the garage. Chairperson Drummond suggested getting a variance for the shed as well, in case he decides to rebuild it later. She asked if the neighbors see the shed and if there is screening there. Mr. Konzeklo stated the neighbors have a pool with a fence three or four feet from the property line, so they don't see the shed.

Mr. Ahsan stated if the applicant tells the surveyor what he is doing, the surveyor will understand what is needed.

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

MOTION made by Aziz Ahsan, seconded by Art Mahony, to advertise and set this for Public Hearing for the September 26, 2023, meeting. Voted and carried unanimously.

REVIEW – Appeal 4080 – Timothy Williams (6457-01-255843)

Timothy Williams, 535 Route 376, Hopewell Junction, requesting a 2' side line variance and a 20' rear line variance for a proposed 24'x16' (384 sf) 1st floor and (336 sf) 2nd floor total (720 sf) 2 story detached garage pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Brian Stokosa was present.

Mr. Stokosa stated this property is on Route 376 just past the Rail Trail. It has a detached garage in the back that is 12' x 19' and it is falling down. The applicant would like to go to 16' x 24' and hold the rear line of the shed and move it slightly north towards the neighbor's property. It will line up to the driveway. He doesn't have much storage in his home, so he would like the ability to have stairs going up

in the garage for storage space for any seasonal items. Chairperson Drummond verified that there would be no residential space upstairs and Mr. Stokosa said there would not be.

Mr. Stokosa stated they will do a hardie exterior to match the house. It will have a slate blue finish and will look nice since it can be seen from the Rail Trail.

Mr. Mahony asked the purpose of the wall. Mr. Stokosa said the applicant likes the look.

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 September 26, 2023, meeting. Voted and carried unanimously.

REVIEW - Appeal 4081 – Kristoffer Dursee (6457-03-259470)

Kristoffer Dursee, 10 Fishkill Rd., Hopewell Junction, requesting a 49' rear line variance for a proposed air conditioning condenser pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Kristoffer Dursee was present.

Mr. Dursee stated the yard is less than 30 feet, so this will be one yard off the property line. The property backs up to Fishkill Road. It is an old house that had a garage that collapsed. Chairperson Drummond stated the house faces a weird direction as well. There are train tracks behind it.

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

MOTION made by Aziz Ahsan, seconded by Art Mahony, to advertise and set this for Public Hearing for the September 26, 2023, meeting. Voted and carried unanimously.

REVIEW – Silva & Antonio Mlakar (6457-01-321510)

Silva & Antonio Mlakar, 4 Candy Ln., Hopewell Junction, requesting a 23' front line variance for a proposed front covered porch and addition pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Steve Whalen was present.

Chairperson Drummond asked if they were trying to square this off. It is approximately a 48 square foot addition. It will be used for a kitchen and powder room. They are not looking to increase the non-conformity of the house, but the hardship is that any improvements to this house will require a variance. They are also looking to do a 120 square foot covered porch. Chairperson Drummond asked how wide the porch will be and Mr. Whalen said approximately 20 feet wide. It is about six feet deep.

Chairperson Drummond asked if they would be back at a later date for another garage and Mr. Whalen said no. Chairperson Drummond asked if they were going to match the existing house and Mr. Whalen said yes, it will have new siding and new windows.

Chairperson Drummond asked when the house was built and Mr. Whalen said they looked it up and it said 1960, but he thinks it's older.

Mr. Ahsan asked about the existing shed, but Clerk Keenan stated it was already taken care of.

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 September 26, 2023, meeting. Voted and carried unanimously.

REVIEW – Appeal 4083– Susan Watkiss (6357-02-851528)

Susan Watkiss, 21 Zerner Blvd., Hopewell Junction, requesting a 3' side line variance for a proposed 2 story attached garage with living space above pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Jason Lichwick was present.

Mr. Lichwick stated they are looking to add a 24' x 24' garage with a two-foot breezeway and a master bedroom suite upstairs. Chairperson Drummond asked if there was an existing garage and he said yes, but it is only used for storage.

Chairperson Drummond asked if they were keeping bedroom count the same and if it had a septic. Mr. Lichwick said yes to both. They are converting the smallest bedroom downstairs into a den.

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 September 26, 2023, meeting. Voted and carried unanimously.

REVIEW – Appeal 4084– Fausto Macao (6457-02-848585)

Fausto Macao, 271 Oak Ridge Rd., Hopewell Junction, requesting a 280sf size variance for an existing accessory unit larger than 1,000sf pursuant to Chapter 194-91 Zoning Ordinance.

Fausto Macao was present.

Chairperson Drummond stated this apartment has been there for a long time. The house is being taxed as a two family house. Now there is a Town code that has a minimum/maximum and this exceeds the maximum by the 280 square feet. She asked how big this apartment was and Mr. Macao stated it is two bedrooms and one bath.

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

MOTION made by Aziz Ahsan, seconded by Art Mahony, to advertise and set this for Public Hearing for the September 26, 2023, meeting. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Alberto Paratore, to adjourn the Zoning Board meeting at 8:16 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary