

Town of East Fishkill

ZONING BOARD OF APPEALS

October 23, 2023

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were Alberto Paratore, Aziz Ahsan, Rocco Limitone, 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 the next meetings would be Tuesday, November 28, 2023, and Tuesday, January 23, 2024. As the fourth Tuesday in December is December 26, there will be no meeting that night unless there is some urgent matter that needs their attention. They need to adopt the meeting schedule for 2024. Recognizing that the fourth Tuesday in December 2024 is December 24 they will not have a meeting on that night either.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, the Schedule of Meetings for 2024 was adopted as follows:

JANUARY 23	FEBRUARY 27
MARCH 26	APRIL 23
MAY 28	JUNE 25
JULY 23	AUGUST 27
SEPTEMBER 24	OCTOBER 22
NOVEMBER 26	

Voted and carried unanimously.

MOTION made by Rocco Limitone, seconded by Aziz Ahsan, to approve the minutes of the meeting held September 26, 2023 as amended. Voted and carried unanimously.

Chairperson Drummond stated that with the next meeting being scheduled for November, there is a chance for snow. If the Town Hall closes during the day, the meeting is cancelled. It is not postponed until a different day. Everything on that agenda gets carried over to the next month's meeting. This does get published on the Town's website. 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 applications 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 2,557 additional cubic yards of fill (total of 2,182 cubic yards less 375 per year), pursuant to Section 194-75 of the Zoning Ordinance.

Brian Stokosa was present.

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

Chairperson Drummond stated the public was re-noticed for this application. The applicant does have a new engineer and the Town Engineer has reviewed all of the information. The applicant has also met with the neighbors.

Mr. Stokosa stated they met with the Town Engineer on September 22 onsite and reviewed the conditions. They decided what needed to be changed from a plan and construction stand point. There was fill brought onto the site and an existing house on the site. There is existing drainage on the site. Chairperson Drummond stated there is a new house being constructed on site. Mr. Stokosa stated that is correct and they are still looking for a Certificate of Occupancy so they are trying to get the site to a spot where they can obtain it. There was a 24-inch drainage pipe that was installed that captures some of the runoff from Woodmont Road. The method of installation was questionable so within their plan sets and construction notes the pipe will be installed per Town Highway Specifications. There was a spring that was located toward Woodmont Road that was streaming onto the site and they have detailed a curtain drain to be installed. With that curtain drain wrapping around the driveway and pitching the driveway North, any runoff from the front yard and the driveway will be directed in a northerly direction away from the southernly neighbor who is downhill. There is an existing catch basin in the center of the driveway turnaround and, in the current plan, they have moved the catch basin further up into the property. They created a low spot so when water comes from the driveway and front yard, it is captured in that catch basin. That also catches the runoff from the driveway turnarounds area. They then direct that towards the lower spot in the rear yard. Chairperson Drummond verified that nothing has happened on the site so far. These are all proposed changes in their current plan. Mr. Stokosa stated he is unsure if anything has happened out on site yet. He has been dealing with the Town Engineer and there were certain permissions given to the applicant to do remediated actions to restore sediment and erosion controls. They did have a small authorization for that. They did identify that some of the major things could be removed like the 24-inch pipe, and they are to coordinate that with the Highway Department. He does believe there has been some activity on site, but it has been authorized by the Town Engineer and is being overseen by the Highway Department.

Chairperson Drummond asked if Mr. Stokosa had the opportunity to assess the damage done to the neighbor's property. Mr. Stokosa said yes. There is a substantial watershed that drains through the applicant's property and there is a ravine in the backyard and they do have downhill neighbors that they need to be sensitive of. In a site visit they discussed having a precipitation basin at the rear of the yard within the confines of the applicant's property. That way when the water exits the 24-inch pipe it adds to the runoff from their site. There is an area of ponding that they will be able to slow the velocity down and discharge it through a rip rap pad so it is spread out and continues downward the ravine but they can control the spread. That will make it discharge at a slightly slower rate so they are not creating a

situation that will cause erosion issues. They also show that they will bring in top soil material so they can ensure they get that vegetation to grow on the rear of the hillside that they are grading. The material there now does not have much organic compounds so in their analysis they estimated what was brought into the site and that was verified through an as-built they have performed. They are asking the Board for the ability to come in with approximately 300 yards of topsoil to cover that backyard. As soon as they place the topsoil they would put a jute mesh over it as there are steep slopes in the back yard. That would allow grass to grow at a faster rate. They did spend a lot of time with this plan doing mitigating measures so they could catch the season as they still have some warm days left. The idea is to bring in that topsoil with the jute mesh on it to put on some germinating seeds to get some grass growing before the winter hits. In addition to that they have a boulder like rock wall that is near the driveway turnarounds and after speaking with the Town Engineer, he suggested they try to put in a curtain drain along that rock wall edge so if there is any runoff makes its way through the rock wall and is diverted back into the property. To protect the neighbor from any sliding over from the driveway if it is icy out, they recommended a heavy guard rail fence around the turnaround area. There is a small backyard that has slopes that are two on one and three on one and it was suggested because of that, they put up a split rail fence to prevent anyone from going down that slope. With all of those improvements they did make a submission to the Town. It has been under review by the Town Engineer. Mr. Stokosa does believe that most of the issues have been addressed. They also believe that the dissipation basin at the base of the 24-inch pipe will really reduce the velocities based upon the drainage analysis that they did. There was a significant amount of work that was done, and they are just trying to correct a problem on site.

Chairperson Drummond asked what year storm this was being designed for and Mr. Stokosa stated it is for the 100-year storm. Typically, any riprap design and drainage design is based upon a 10 year storm, but this they did the 100 year storm. Chairperson Drummond stated she hopes the neighbor understands they are making sure that this is going to be able to handle a much more significant storm. She stated she did not hear anything about making restoration on the neighbor's property. Mr. Stokosa stated he would like to meet with that neighbor and work with them. Chairperson Drummond asked if the builder understands that he needs to take care of that, as his work created that damage. Mr. Stokosa stated he has not had that discussion yet with the neighbor, but he intends to.

Chairperson Drummond stated the Town Engineer has had time to review this and they are verifying they have the right set of numbers but they are also recognizing that 2024 is right around the corner and in the event that they actually need a little bit more fill they are technically allowed another 375 cubic yards in 2024. It is subject to the engineer's review. This will not be closed out before the end of the year.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Ahsan asked if the applicant wanted a decision made tonight. Chairperson Drummond stated the Town Engineer signed off that they believe it is ready. There are levels of protection and levels of review written into the resolution they do have to be sure that the neighbor understands what his protection is and if he has feedback going forward. Mr. Stokosa stated this project revolves around their interaction with the Building Department. Ultimately a CO has to be issued. That cannot be issued until the building inspector and Town Engineer are satisfied. He stated that his office had not been engaged to work on this project until the third week of September. By the fourth week of September, they were on site with the Town Engineer. The applicant is aware of what needs to be done. They also have a ZBA deadline. Chairperson Drummond asked if their assessment is accurate with what the Town Engineer is estimating was brought in regarding the fill. Mr. Stokosa stated they have an as built and an AutoCAD and then they have the surveyor go out and take an as built condition of the elevations and then compare the two surfaces. They do believe that the estimate on this submittal is correct, including the side grading. He believes Barton and La Joyce also verify their numbers. Mr. Ahsan stated he has visited the site and he wants to make sure that the applicant knows he has to work with the Town on this. Chairperson Drummond stated she believes they have the applicant's attention.

Chairperson Drummond asked if there were any comments or questions from the public.

Scott Lombardo stated he has reviewed all of the comments up until August 24. His F.O.I.L. was submitted on September 20 but it does not have comments after that August date. Mr. Stokosa stated they met on site on the 26th and the submission deadline was October 1 so there was nothing written up prior to the submission deadline. Mr. Lombardo stated they did put a footing drain in front of the boulders. On the plans that he received it is supposed to be 1 foot wide and 2 feet deep with a 6 inch perforated pipe. They dug it with a shovel and pickaxe and there is no way that it is two feet deep. It should have been done with the machine properly. Chairperson Drummond asked when that was done.

Mr. Lombardo stated it was done within the past few weeks. Mr. Amaro stated the rock for the footing drain is up above ground level so whatever water comes over the boulders is now going to push the rest of that rock onto his property. It just was not done properly. He asked if they were going to fill the boulders with anything. All the runoff continues to run down through the spaces because it is so large between each of the boulders and the runoff just continues to run down onto his property. Right now it is being held back by the black fabric but as soon as the fabric is gone it will continue to run down in front of the shed and down where his garden used to be. They had to remove the garden because it was ruined by runoff. They would like a real retaining wall instead of just the boulders that that sentiment comes down through. They would like a real footing drain that is done properly, not done with the pickax and shovel. They do appreciate the acknowledgment that there was damage to their yard. He stated that Mr. Panny has never reached out to them once. He has always said he will have someone call the Lombardo's but nobody ever happened. There should also be some sort of swale to redirect the water from his property.

Nichole Lano wanted clarification that the applicant is only asking for more topsoil to be brought in at this point.

Mr. Stokosa stated there was supposed to be coordination between the neighbor and the contractor and obviously there was not. He will exchange information with Mr. Lombardo after the meeting. He stated in order to do a retaining wall correctly they would probably need to access Mr. Lombardo's property. He asked if that would be something that would be considered. It would probably be done with a small mini excavator and he will be on site as well. Mrs. Lano stated she would like to have that conversation when her husband is available as well, as he is also an owner. Mr. Stokosa stated they would offer certification by a PE that it is installed correctly. There will be a level of protection with the Building Department as well. He does agree with the option of a retaining wall. What he asked for in his plans is that they peel the top layer of the wall away to see what was underneath there. If there is something salvageable, they will move forward with that. Mr. Lombardo stated he has pictures of what went into the wall. Chairperson Drummond stated that would be helpful. Chairperson Drummond verified that the issue with the boulders and the runoff will be addressed and Mr. Stokosa said yes. He stated the footing drain has to go into the proper depth. He does not know why the neighbor was not asked for permission to access his property but he will make sure going forward that everything is done correctly. The wall will be over 4 feet high so it will be engineer designed and there will be a series of inspections done on it

as they move forward. They will offer certification to the Town that it was installed correctly. With pitching the driveway away from the neighbors and capturing that, it will cut off any water that creeps underneath that wall right now. He does believe there are a few different levels of protection that can be offered to the Town and the neighbor. Chairperson Drummond asked if the swale the neighbor was talking about would not be necessary because of these other protections and Mr. Stokosa said yes. Once they get the driveway paved and they move the driveway catch basin further into the property and they create a low spot it will capture all the water. Chairperson Drummond asked if they were going to be paving the driveway right away. Mr. Stokosa stated it has to be paved. That is in his remediated plan of action. Mr. Stokosa stated in regard to the fill they had calculated 2238 yards of material that has been brought into the site currently. They are recommending bringing in 319 cubic yards of topsoil materials so they can actually take what's there and blend it smoothly and then cap it with topsoil and place the jute mesh mats over top of that. They get stapled into the ground so if it does rain they don't migrate down the hill. He does not anticipate any more topsoil coming in. They were fairly conservative with their estimate because they don't want to come before the Board again. That should be a healthy amount to establish vegetation. Mr. Lombardo stated that he calculated approximately 2200 yards of fill being brought in by the measurements and elevations. It is all concrete block and debris from houses. He stated they have no idea where any of that came from. He asked if there was any type of certification that it will not damage anything. It is running down into the stream and crosses his yard. Mr. Lombardo thought that the applicant was supposed to provide fill tickets and where it came from as a Board recommendation months ago. He stated he has not seen any of that. He stated right now it is the elevation between 17 and 20 feet difference between their driveway and his property line in a matter of 30 feet of distance. He wants to make sure it's corrected now before the house is sold to somebody who doesn't know what's going on. Chairperson Drummond asked Mr. Stokosa if he has had a chance to review any of the fill tickets to see what the fill was or where it came from. Mr. Stokosa stated he was not involved in that discussion and that question was not posed to his office so he cannot address it. There is concrete debris and brick veneer. There is gravel in there as well, but he does not know where it came from. And he does not know if there was previous guidance given to the applicant he does not know what it was. Chairperson Drummond stated it will go back to the Town Engineer to determine if it is appropriate fill or not. Mr. Lombardo stated even the town attorney agreed that there was never a permit issued for that type of fill in East Fishkill at all. Chairperson Drummond stated it has gotten the attention of the Town Engineer and all they can do is leave it in his hands. She asked what type of

recourse Mr. Lombardo would have after the applicant sells the house. Mr. Stokosa stated with this application being very unique he believes this will come down to proper notation and coordination with the Building Department. He believes that there is a level of oversight with this application and the Building Department and that the Town Engineer will be very involved with the final application. He does believe that the CO will not be issued until everyone is extremely comfortable with what has been done on site. He does believe that the neighbor will be asked his opinion at that time as well, due to how sensitive this is. Chairperson Drummond stated Springtime is the most intense and it is not likely that the house will be sold before then. Hopefully they will be able to see what happens in the spring of 2024. Mr. Stokosa stated there is still a lot of work that needs to be done. The septic needs to be put in and the tank still needs to be put in, so they have a lot of work yet to do. They are not CO ready. Mr. Lombardo asked if they would be moving more material in for the septic and Mr. Stokosa stated it is an inground septic system. Mr. Lombardo stated it is a solid rock ledge there and he is wondering how deep the septic fields have to go. Mr. Stokosa stated he did question that as well and there are deep tests that were done out there that show 7 foot of depth. The primary area is actually in front of the house and the expansion area is on the hillside. The expansion area may need a little fill there, but that will not going right now. At that point it would just be gravel around 4 inch PVC.

Mr. Limitone stated he does remember a conversation stating that the engineer would review the fill to make sure that it was safe. Chairperson Drummond stated that has been done but this Board just does not have that information yet. At this point they're being told that the Town Engineer is satisfied with the information that he's received and the direction that this application is going. Mr. Lombardo asked where to go to find out that certification stating that the fill is okay. Chairperson Drummond stated that he would need to go through Scott Bryant's office to get that information. Mr. Stokosa stated he will coordinate with Engineer Bryant and with the neighbor as well.

Chairperson Drummond asked if there was anyone else with any questions or comments for 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: 4052

APPLICANT: Panny Industry Inc.

NAME OF PROJECT: Application for a Special Permit to bring in 2,557 additional cubic yards of fill (total of 2,182 cubic yards after 375 cubic yards per year for both 2022 and 2023) to the property pursuant to Section 194-75 of the Town Code

LOCATION: 256 Woodmont Road, Hopewell Junction

TAX MAP NUMBER: 6555-00-363386

ZONING DISTRICT: R-3

Resolution offered by Zoning Board of Appeals Member: Aziz Ahsan

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

WHEREAS, the Applicant previously brought in fill to the Property prior to obtaining the necessary approvals from the Town; and

WHEREAS, the Applicant’s fill allegedly led to stormwater runoff and damage to a neighboring property; and

WHEREAS, since the time of the initial application, the Applicant has hired a professional engineer who designed a plan to fix all drainage issues; and

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

WHEREAS, the Legal Notice was published in the Poughkeepsie Journal on February 23, 2023 and the Southern Dutchess News on October 18, 2023; and

WHEREAS, the Zoning Board of Appeals (“ZBA”) held a Public Hearing on February 28, 2023 and October 24, 2023;

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

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

PUBLIC HEARING –Appeal 4080 – Timothy Williams (6457-01-255843)

Timothy Williams, 535 Route 376, Hopewell Junction, is 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.

Garrett Leggett and Tim Williams 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. This is a house along Route 376 and Bridge Street. It is visible from the Rail Trail so Chairperson Drummond did do a site visit. The garage in the back is in pretty poor shape, so she does understand why the applicant needs a new garage. One line of the garage is going to be part of the new garage so it makes sense that he has got to demolish that first. The issue came up that work has been started on the existing house, i.e. replacing the siding, that has not been finished. It did not have a permit and it was started and dragged on and on and the neighbors are not happy about that. The neighbors and the Board are looking for some sense of how long this project will take. The neighbors do not want to see something else start that will drag down. Mr. Leggett stated that the garage is in worse shape than the back of the house. The owner has secured a permit for the siding. He is working in good faith and looking to move forward with this consecutively with the garage. It will all be the same siding. He will go through the proper channels of getting the demo permit before they start taking it down. It is taking itself down at this point. They are trying to work with the Town to make things right. Chairperson Drummond stated there is no doubt this is going

to be improvements to the property that the neighbors did have a valid point with being concerned about a reasonable time. Chairperson Drummond does acknowledge that there is a lot in the yard that does need to be stored in a garage. It is a reasonable request. It is also a reasonable concern that the neighbors brought forward.

Chairperson Drummond asked if there were any comments or questions from the public. Mr. Ahsan stated he did a site visit and this will definitely improve the property and the neighborhood.

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

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

APPEAL NUMBER: 4080

APPLICANT: Timothy Williams

NAME OF PROJECT: (i) a 2’ side line Variance and a 20’ rear line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 720 sf two-story detached garage; (ii) an 11’ side line Variance from the requirements of the Schedule of Bulk Regulations for the existing dwelling; (iii) a 25’ front line Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for an existing covered front porch; and (iv) a 6% lot coverage Variance from the requirements of the Schedule of Bulk Regulations (the “Variances”)

LOCATION: 535 Route 376, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6457-01-255843

ZONING DISTRICT: R-1/3

Resolution offered by Zoning Board Member: Alberto Paratore

WHEREAS, the houses on properties bordering Route 376/Bridge Street, in this location, have very small front yard setbacks; and

WHEREAS, the Applicant currently has an unsightly garage in the rear yard that will be taken down upon approval of the Variances by the ZBA; and

WHEREAS, the Applicant's representative confirmed that the detached garage shall not be used as a residence and that the siding of the detached garage shall match the siding of the existing residence; and

WHEREAS, the neighboring property owner expressed concerns at the Public Hearing that the Applicant had not completed siding on the house after approximately two years to do so; and

WHEREAS, when considering the Variances, the ZBA seeks to ensure that all outstanding projects at the Property are completed before the detached garage receives a building permit for any new projects; 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 September 26th and October 24th, 2023; and

WHEREAS, the Legal Notice was published in the Southern Dutchess News on September 20, 2023; and

WHEREAS, the Zoning Board of Appeals finds that:

The granting of the Variances will not produce an undesirable change in the character of the neighborhood as the Property will remain residential in nature;

The desired result could not be achieved by other means due to the size and layout of the Property;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request from Timothy Williams for (i) a 2' side line Variance and a 20' rear line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 720 sf two-story detached garage; (ii) an 11' side line Variance from the requirements of the Schedule of Bulk Regulations for the existing dwelling; (iii) a 25' front line Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for an existing covered front porch; and (iv) a 6% lot coverage Variance from the requirements of the Schedule of Bulk Regulations subject to the following conditions:

1. The Applicant shall obtain a permit to demolish and remove the remnants of the existing shed prior to obtaining a permit for the detached garage; and
2. If the detached garage does not obtain a certificate of completion for the proposed detached garage within nine months of the date of this Decision & Order, then the Applicant shall be required to appear before the ZBA at its next available meeting.

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

Resolution Seconded by Zoning Board Member Aziz Ahsan

The votes were as follows:

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

PUBLIC HEARINGS:

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

Jessica 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.

MOTION made by Rocco Limitone, seconded by Alberto Paratore, to reconvene this Public Hearing. Voted and carried unanimously.

Chairperson Drummond stated the applicant does not need to be here. The issue is that at the last meeting the Zoning Board was told that the Planning Board took action to declare intent to become lead agency. At that point the Zoning Board passed a resolution to allow the Planning Board to be lead agency. At that point the applicant had not yet circulated for lead agency so the Zoning Board resolution was out of work. The need to do a new resolution tonight that acknowledges receipt of the intent of the Planning Board to be lead agency so they need to rescind last month's resolution and issue it tonight so

that it falls within 30 days' notice for the Planning Board. They cannot do anything on this application until the Planning Board has handled the SEQRA issues.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to rescind the September 26 motion and move forward with a resolution acknowledging the Planning Board's intent to be lead agency. Voted and carried unanimously.

Chairperson Drummond asked if there was anyone to speak for or against this application. There was no one. She stated this Public Hearing was not being closed at this time.

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

PUBLIC HEARING– Appeal 4085 – Matthew Palladino (6357-01-413631)

Matthew Palladino, 42 Julie Drive, Hopewell Junction, is requesting an 18' sideline variance for a proposed 28' x 14' (392 sf) detached garage pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Matthew Palladino was present.

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

Chairperson Drummond stated they did review this application last month with his wife. There are some steep slopes on the property. Mr. Palladino has pictures that he submitted for the Board's review. They are proposing a shed but because it will have garage bay doors on it they have to call it a garage. It will be on the opposite side of his driveway. He is tucking it back into the tree line so it will not be visible.

Chairperson Drummond stated they discussed the lean-to but it is actually only for wood storage.

Chairperson Drummond asked if they have spoken with the neighbors. He stated that two of his neighbors were here tonight.

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.

Mr. Rodriguez asked exactly where this was going to go. Mr. Palladino stated it is on the opposite side of his property from this neighbor's home. Mrs. Rodrigues asked what the purpose of this was. Mr. Palladino stated it is for storage only. He stated it is large and he put a roll up door on it because it was easier.

Mr. Rickett asked if the applicant had closed out the generator application yet and Mr. Palladino said yes. Mr. Rickett stated they just need to renew it and do a final inspection.

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

APPEAL NUMBER: 4085

APPLICANT: Matthew Palladino

NAME OF PROJECT: 18' side line Variance from the requirements of Section 194-107 and the Schedule of Bulk Regulations for a proposed 28' x 14' (392 s.f.) detached garage

LOCATION: 42 Julie Drive, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6357-01-413631

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Rocco Limitone

WHEREAS, the proposed detached garage would be used for additional storage; and

WHEREAS, the proposed detached garage is similar to a shed, screened from neighboring properties by existing vegetation, and it will match the siding of the house; 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 24, 2023; and

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

WHEREAS, the Zoning Board of Appeals finds that:

The granting of the Variance will not produce an undesirable change in the character of the neighborhood as the Property will remain residential in nature;

The desired result could not be achieved by other means due to the size 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 Matthew Palladino for an 18' side line Variance from the requirements of Section 194-107 and the Schedule of Bulk Regulations for a proposed 28' x 14' (392 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 Aye

Board Member Alberto Paratore Aye

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

PUBLIC HEARING – Appeal 4086 – Robert Kalter (6556-00-067160)

Robert Kalter, 89 Townsend Road, Hopewell Junction, requesting a 450sf size variance for a proposed 40’ x30’ (1,200 sf) detached garage pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Robert and Diane Kalter were present.

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

Chairperson Drummond stated they reviewed this application last month and had a discussion regarding his classic cars. The Board was concerned about the fact that the size of the house is the same size as the garage, but the applicant explained that he has downsized his car collection some but does want to keep the rest in storage. They also discussed his neighbor, which happens to be his nephew, who also hopes to possibly store a vehicle in the garage. They will make it look nice and it will not be operated as a business. It is storage for his classic cars only and his wife's car.

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 Rocco Limitone, to close this Public Hearing. Voted and carried unanimously.

APPEAL NUMBER: 4086

APPLICANT: Robert Kalter

NAME OF PROJECT: 450 s.f. size Variance from the requirements of Section 194-107 and the Schedule of Bulk Regulations for a proposed 40'x30' (1,200 s.f.) detached garage

LOCATION: 89 Townsend Road, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6556-00-067160

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member : Art Mahony

WHEREAS, the footprint of the existing house is 1,200 square feet; and

WHEREAS, the Applicant is proposing a detached garage for storage of his classic cars; and

WHEREAS, the Applicant sited the detached garage to avoid impacts to his septic system; 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 24, 2023; and

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

WHEREAS, the Zoning Board of Appeals finds that:

The granting of the Variance will not produce an undesirable change in the character of the neighborhood as the Property will remain residential in nature;

The desired result could be achieved by other means, but it is proposed in the most logical location given the existing 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 from Robert Kalter for a 450 s.f. size Variance from the requirements of Section 194-107 and the Schedule of Bulk Regulations for a proposed 40'x30' (1,200 s.f.) detached garage subject to: (i) the existing canvass tent being removed; and (ii) the siding of the detached garage matching the siding of the existing house.

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

Resolution Seconded by Zoning Board Member: Aziz Ahsan

The votes were as follows:

Board Member Aziz Ahsan Aye

Board Member Rocco Limitone Aye

Board Member Alberto Paratore Aye

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

REVIEWS:

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

Kristina Thomsen, 39 Elk Rd., Hopewell Junction, is requesting a 3’ side line 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 that this application was on from last month but they requested it be put on for this month. She verified with Clerk Keenan and that she did try to call them and never heard back.

Mr. Ahsan stated this application started in July with a review in August. Mr. Rickett stated in July they needed the survey and they did not get it done yet, Chairperson Drummond stated they will ask the clerk to reach out to them one more time and to e-mail them so they have a record of contact. If there is no response or indication by next month they will consider the application abandoned.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 8:08 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary