

Town of East Fishkill

ZONING BOARD OF APPEALS

November 28, 2023

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

Chairperson Drummond led the meeting with the Pledge of Allegiance.

CHAIRPERSON'S COMMENTS:

Chairperson Drummond stated this is the last meeting of the year. She thanked all of the Board members, professionals, and staff for everything that they do. It has been a pleasure working with everyone. She wished everyone Happy Holidays.

Chairperson Drummond stated that the next meetings would be Tuesday, January 23, 2024 and Tuesday, February 27, 2024.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held October 24, 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 an Adjourned Public Hearing, which is an application that this Board has already had the opportunity to review. This application is before the Planning Board so this Board will have to open the Public Hearing, but if there was no one here to speak for it, they will just adjourn it again. The Planning Board has not finished with this application yet as they are handling the SEQRA, so the Zoning Board cannot close it either. There will be no action on item number two at this meeting.

She reviewed the weather closings by explaining if an applicant is scheduled for a Public Hearing from tonight's meeting and it snows on the day of the meeting and the Town Hall is closed, the meeting is

canceled. It is not postponed or rescheduled. Everything on the agenda for January will be moved to the February agenda. It is published on the radio and the Town websites. In the event that does happen, once you can get to your sign, please update it with the new date. She stated that the signs are two-sided so that they can be put out on the roadway to be seen by traffic in both directions. They should not be laid up against the building. There is a Planning Board sign on Route 82 that should be fixed. She asked Clerk Keenan to call the applicant to have it fixed.

ADJOURNED 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.

Jessica DeRosa was present.

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

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

MOTION made by Rocco Limitone, seconded by Aziz Ahsan, to adjourn this Public Hearing to the January 23, 2024 meeting. Voted and carried unanimously.

Chairperson Drummond stated that next items are the reviews, which are usually the first time that this Board has seen these applications.

REVIEWS:

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 300sf deck pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Chairperson Drummond stated there was going to be no action on this application at this point.

REVIEW – Appeal 4087 – Matthew Travagline (6458-08-804915)

Matthew Travagline, 2 East Vacation Dr, Wappingers Falls, requesting an 18' side line and 17' rear line variance for an existing above ground pool pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Matthew and Sarah Travagline were present.

Mr. Travagline stated they had purchased this home in September. At the tail end of the closing process, they discovered that the pool was not permitted. The seller may have thought it was grandfathered in. Due to the time it would require for the variance to be done and to close out the permit, they accepted the purchase with a condition. Chairperson Drummond asked if it was an exception to the title report and Mr. Travagline said yes.

Chairperson Drummond asked if they installed the pool and Mr. Travagline said no. She asked if it was in good condition and Mr. Travagline said yes. Chairperson Drummond asked how tall the fence was. Mr. Travagline stated the PVC fence is at least 6 feet tall, but there are three separate yards that all have fencing that converge together. There is also a wood panel fence and a chain-link fence.

Mr. Ahsan asked if the shed was on the applicant's property or the neighbor's property. Mr. Travagline stated it is just a little plastic cabinet and it is technically on the neighbor's property. Chairperson Drummond stated they cannot approve something that has the applicant's property on someone else's property. Mrs. Travagline stated it would be moved. It is very small and lightweight and easy to move.

Chairperson Drummond asked if there was anything that screens the neighbors from noise and sight lines. Mr. Travagline stated in addition to the fence, there are also large bushes around the fenced in area and around the pool so it cannot be seen.

Mr. Ahsan asked about the PVC fence. Mr. Travagline stated he spoke with the neighbor who is happy with the fence where it is on his property.

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 January 23, 2024 meeting. Voted and carried unanimously.

REVIEW - Appeal 4088 – Bryanna Russo (6448-01-015763)

Bryanna Russo, 5 Ryan Dr., Hopewell Junction, requesting a 94’ and 71’ side line and 145’ rear line variance for a dog kennel pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Bryanna Russo was present.

Chairperson Drummond stated that this application is also before the Planning Board and they have sent out notice of intent to be Lead Agency.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to consent to allow the Planning Board to be Lead Agency on this application. Voted and carried unanimously.

Chairperson Drummond stated this is being classified as a kennel verses a doggie daycare. This sounds like it is more of a dog rescue operation. Ms. Russo stated it is a little bit of everything. She has a pre-existing business in Wappingers Falls and her goal is to move to East Fishkill. They do need a variance for a proposed chain-link fence area. They do grooming and training. They do provide boarding, which is usually in their homes. They also have puppies for sale, and they adopt out rescue dogs as well.

Chairperson Drummond stated that is why this application is being considered a kennel. Ms. Russo stated the goal is to add a training daycare but will not be a typical doggie daycare. They are encouraging good behaviors and command responses such as sit and stay, etc. It is not a free-for-all for the dogs. They meet the setbacks and the variance for the kenneling.

Chairperson Drummond stated there is an existing parking lot there now so they do not need any additional parking.

Ms. Russo stated the signs leaning on the building are hers and she will go and fix them as soon as this meeting is over.

Chairperson Drummond stated this location is surrounded by mostly industrial uses and there is screening even in the front yard already existing. She stated she drove by it yesterday.

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

Mr. Rickett stated there is a dumpster in the back of the property. He asked if they were showing it as an enclosure. Ms. Russo stated she believed an enclosure was requested, so it is part of the plan. She stated there is plenty of space for a garbage truck to come in and out.

Chairperson Drummond stated there are neighbors across the street. Ms. Russo stated that they do have set times for the dogs to go out and they have not had one complaint in three years while they have been in Wappingers Falls. She stated she wants to be here to have a larger facility. It is nice land and a nice neighborhood and a lot of her clients already live in this area.

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the January 23, 2024 meeting. Voted and carried unanimously.

Chairperson Drummond stated although the applicant will be back before this Board in January, the Planning Board will continue on their process in the meantime. Mr. Rickett stated there is also a shed listed on the plans to be relocated. Ms. Russo stated it is a small Rubbermaid shed and it can be disposed of. Mr. Rickett stated it would require a 10-foot variance. Chairperson Drummond asked if it could be moved further away from the property line. Mr. Rickett stated it makes sense to be close to the refuse container. His recommendation is to just add it to the variance. Chairperson Drummond stated the applicant needs to put it on the plan with an accurate measurement.

REVIEW - Appeal 4089 – Keith Rango (6456-03-312437)

Keith Rango, 162 Schlueter Drive., Hopewell Junction, requesting a 39' rear line variance for a proposed relocation of a 140 sf gazebo and an 8' rear line variance for a proposed patio pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Keith Rango was present.

Chairperson Drummond stated that the gazebo is there now, but it is over the property line. It was installed in one place and no one realized it was not in the correct place. There are pavers around it. Mr. Rango stated they will be moving the pavers and the gazebo to where the shed currently is. The shed is the same size structure as the gazebo. The shed is not in good shape anyway. There is approximately a 20-foot patch of woods and vegetation between this and the neighbors. They will put more trees in there when they are able to. He stated when they purchased the house in 1998, it was a foreclosure and the survey that came with it was ancient.

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 January 23, 2024 meeting. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Alberto Paratore, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:19 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary