

Town of East Fishkill

ZONING BOARD OF APPEALS

January 23, 2024

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 that the next meetings would be Tuesday, February 27, 2024 and Tuesday, March 26, 2024.

Chairperson Drummond wished everyone a Happy New Year. 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 that meeting will be moved to the next agenda. It is published on the radio and the Town websites. In the event that does happen, applicants should update their signs with the new date.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held November 28, 2023. Voted and carried unanimously.

Chairperson Drummond then went through the procedures for the meeting. She stated that the first part of the meeting are the 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.

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 open this Public Hearing. Voted and carried unanimously.

Chairperson Drummond stated this application has been before the Board for several months. This is a business, so it requires site plan approval from the Planning Board. The applicant did get that at the December Planning Board meeting. The Planning Board also did the SEQRA review. Because it was a coordinated review, this Board will rely on that review.

Chairperson Drummond asked the applicant if there were any changes made to the site plan based on her meeting with the Planning Board. Ms. DeRosa stated that she will be setting up a meeting with the Town Planner to work on additional trees or screening in the front. It will help as extra soundproofing from outside. They did set time limitations on when the dogs can go outside in the morning and nighttime. Chairperson Drummond stated the operation is from 7 AM until 7 PM and that is essentially when people will be coming to drop off their dogs. Periodically there may be overnight boarding. Ms. DeRosa stated they did implement a new policy to eliminate traffic during the day that now states the doors are locked between 10 AM to 3 PM. Drop-off in the morning is 7 AM to 9:30 AM and pickup is from 3 PM to 7 PM.

Chairperson Drummond stated she walks by the site all the time. She has only heard a dog barking once and it could have been from the neighborhood. From what she can see it is very well run. She did ask if the gravel pile has been moved. Ms. DeRosa stated she did not do it right before the snow. As soon as the weather permits, it will be spread out. Chairperson Drummond stated there was a pile of gravel that was delivered to the applicant with the intent to fill in an area that gets very muddy.

Chairperson Drummond stated the Planning Board did also have their own Public Hearing. She asked if there were any questions or comments from Board members. There were none.

Chairperson Drummond asked if there was anyone 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: 4069

APPLICANT: Jessica DeRosa (Pawfect Paws)

NAME OF PROJECT: 126' front line, 93' left side, 61' right side, and 9' rear line variances for an existing building for a Doggie Day Care and 82' rear line, 127' left side line, and 101' right side line variances for an existing fenced-in exercise pen (the "Variances")

LOCATION: 867 Route 376, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6358-02-858546

ZONING DISTRICT: B-3

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant is proposing a doggie day care at the Property; and

WHEREAS, the Applicant previously obtained Variances for a doggie day care at another location pursuant to Appeal Number 3981; and

WHEREAS, after a landlord dispute, the Applicant moved into the Property without obtaining the necessary approvals from the Planning Board and ZBA first; and

WHEREAS, the Variances are from the requirements of the Schedule of Bulk Regulations and Section 194-55.1 of the Zoning Code; and

WHEREAS, this is an unlisted action under SEQRA; and

WHEREAS, the Planning Board served as the lead agency and approved a Negative Declaration and Site Plan amendment at its December 19, 2023 Meeting; and

WHEREAS, the Site Plan Amendment was conditioned upon the ZBA granting the Variances requested by the Applicant; and

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

WHEREAS, the Zoning Board of Appeals held a Public Hearing on September 26, 2023, which was adjourned to October 24, 2023, November 28, 2023 and January 23, 2024; 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 since the Planning Board and ZBA have conditioned safeguards to prevent noise from emanating from the property, and the Applicant has a strict programmatic schedule for the participating dogs;

The desired result cannot be achieved by some other means due to the layout of the Property and the pre-existing building;

The Variances are substantial;

The Variances will not have an adverse effect or impact on the physical or environmental conditions, as the building is pre-existing.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby

approves the request by Jessica DeRosa of Pawfect Paws for 126’ front line, 93’ left side, 61’ right side, and 9’ rear line variances for an existing building for a Doggie Day Care and 82’ rear line, 127’ left side line, and 101’ right side line variances for an existing fenced-in exercise pen subject to the following conditions:

1. Compliance with all other requirements of Section 194-55.1 of the Town Code that the Applicant did not receive a variance for.
2. Sound absorbing material shall be installed within the building and around the perimeter of any outdoor runways and exercise pens subject to the approval of the Town Engineer or Town Planner.
3. An escrow of \$2,000 shall be held by the Building Department for one year from the date of certificate of occupancy to be used to hire an acoustical engineer or qualified noise expert should there be any discernable noise emanating from the Property or other complaints.
4. The ZBA may require the applicant to reappear at a meeting in one year to provide the ZBA with a status update. In its discretion, the ZBA may require additional sound proofing or other measures to ensure that the community is not impacted by the use.

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

Resolution Seconded by Zoning Board Member Rocco Limtone

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 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.

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

Chairperson Drummond stated they have reviewed this application at the last meeting. The applicant purchased this home in September. As they were going through the closing process they discovered that the pool was not permitted properly. They also discovered that there was a shed that was over the property line. Mr. Travagline stated the shed has been moved. Chairperson Drummond stated there is an existing fence and large bushes and vegetation that screen the pool from the neighbors.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan asked about the fence that was on the neighbor's property and Chairperson Drummond stated they had discussed that. The neighbor was happy with where the fence was, so it will be staying.

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 close this Public Hearing. Voted and carried unanimously.

APPEAL NUMBER: 4087

APPLICANT: Matthew Travagline

NAME OF PROJECT: Requests for 18’ side line and 17’ rear line variances from the requirements of the Schedule of Bulk Regulations and Section 194-95 of the Town Code for an existing above ground pool (the “Variances”)

LOCATION: 2 East Vacation Dr, Wappingers Falls (the “Property”)

TAX MAP NUMBER: 6458-08-804915

ZONING DISTRICT: R-1/3

Resolution offered by Zoning Board Member Alberto Paratore

WHEREAS, the Applicants recently purchased the Property; and

WHEREAS, during the closing process, the Applicants learned that the existing above-ground pool had not received all of the required permits and that an existing shed was straddling the neighbor’s property; and

WHEREAS, the Applicants are seeking to legalize the existing conditions; and

WHEREAS, the pool is enclosed in fencing; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on January 17, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on January 23, 2024; 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 since the pool pre-exists the Applicants' ownership;

The desired result cannot be achieved by some other means due to the layout of the Property and the pre-existing location of the pool;

The Variances could be deemed substantial, but potential visual impacts of the pool are mitigated by the fencing;

The Variances will not have an adverse effect or impact on the physical or environmental conditions, as the pool is pre-existing.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby

approves the request by Matthew Travagline for 18' side line and 17' rear line variances from the requirements of the Schedule of Bulk Regulations and Section 194-95 of the Town Code for an existing above ground pool upon the condition that the existing shed be moved onto the Applicants' Property.

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 Aye

Board Member Alberto Paratore Aye

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

PUBLIC HEARING - 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.

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

Chairperson Drummond stated that this application is also before the Planning Board. This application is different than the prior doggie daycare application in that this applicant is proposing to do grooming,

training, boarding, and the sale of puppies. This is the old children's medical group building on Route 82. It is in an industrial area. It has an existing parking lot, so nothing needs to be added there. There was a shed in the back. Ms. Russo stated it has been removed already.

Chairperson Drummond stated that there are neighbors across the street, but the noise from Route 82 will probably dissipate any noise from the dogs.

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

Chairperson Drummond asked if there was anyone 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: 4088

APPLICANT: Byanna Russo (Furever Friends)

NAME OF PROJECT: 94' left side, 71' right side, and 145' rear line variances for a proposed 40 X 50 puppy kennel (the "Variances")

LOCATION: 5 Ryan Drive, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6558-01-015763

ZONING DISTRICT: B-3

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the Applicant is proposing a puppy kennel at the Property; and

WHEREAS, the Variances are from the requirements of the Schedule of Bulk Regulations and Section 194-55.1 of the Zoning Code; and

WHEREAS, this is an unlisted action under SEQRA; and

WHEREAS, the Planning Board served as the lead agency and approved a Negative Declaration and Site Plan amendment at its December 19, 2023 Meeting; and

WHEREAS, the Site Plan Amendment was conditioned upon the ZBA granting the Variances requested by the Applicant; and

WHEREAS, the Legal Notice was published in the Southern Dutchess News on January 17, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on January 23, 2024; 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 since the Planning Board and ZBA have conditioned safeguards to prevent noise from emanating from the property, and the Applicant has a strict programmatic schedule for the participating dogs;

The desired result cannot be achieved by some other means due to the layout of the Property and the pre-existing building;

The Variances are substantial;

Chairperson Norma Drummond

Aye

PUBLIC HEARING- 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.

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

Chairperson Drummond stated that they met with this applicant in November. The gazebo is there now. Unfortunately it was not placed entirely on the applicant’s property. He is looking to move it to a more appropriate location. There is also a patio around that, and they need to address the fact that the applicant would like to continue the patio, which is also not code compliant. Chairperson Drummond did state that Schlueter Drive is a very wooded neighborhood with not a lot of traffic. She does not believe this will be very impactful to the neighbors. There is vegetation between the applicant and his neighbors and he also stated he may be installing more trees. Mr. Rango said yes. Chairperson Drummond stated that would be something that could be addressed later if the neighbors had complaints.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan asked if the existing shed was going to be removed in the future or moved. Mr. Rango stated it is located where the gazebo will be going so it will be removed. He will be taking it down completely.

Chairperson Drummond asked if there was anyone 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: 4089

APPLICANT: Keith Rango

NAME OF PROJECT: Request for a 39' rear line variance from the Schedule of Bulk Regulations and Section 194-107 of the Town Code for a proposed relocation of a 140 sf gazebo and an 8' rear line variance from the requirements of the Schedule of Bulk Regulations for a proposed patio (the "Variances")

LOCATION: 162 Schlueter Drive., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6456-03-312437

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Art Mahony

WHEREAS, the Applicant purchased the Property from a foreclosure sale, and not all of the structures on the property were in compliance with the Town Code; and

WHEREAS, the gazebo already exists that straddles the neighbor's property and is being proposed to be relocated to where an existing shed will be removed; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on January 17, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on January 23, 2024; 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 since the gazebo will be moved onto the Applicant’s Property;

The desired result cannot be achieved by some other means due to the layout of the Property and the conditions that existed upon the foreclosure sale;

The Variances could be deemed substantial, but the proposed Variances would improve upon the existing conditions;

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 by Keith Rango for a 39’ rear line variance from the Schedule of Bulk Regulations and Section 194-107 of the Town Code for a proposed relocation of a 140 sf gazebo and an 8’ rear line variance from the requirements of the Schedule of Bulk Regulations for a proposed patio.

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, 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.

Clerk Keenan stated they do check in with her every month, but have been unable to move forward with this application yet.

REVIEW - Appeal 4091 – Kenneth Walshak (6357-04-509634)

Kenneth Walshak, 3 Fox Road, Hopewell Junction, requesting a 2’ variance for an existing 6’ fence and an 8’ sideline variance for an existing 10’x14’ (140 sq) shed pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Kenneth Walshak was present.

Chairperson Drummond stated that this application is located in the Whorley Holmes' neighborhood. The lots there are just over a quarter of an acre. That does limit the ability to do anything without requesting a variance.

Mr. Walshak stated he purchased the home in 2021 and installed the fence and the shed. At that time he used a string line with the survey that he had to try to meet the setback requirements. They were close but not where they needed to be. The applicant was required to get a new survey to make sure all locations were correct. They just received the survey a couple of months ago and discovered they do not meet the setback requirements. They are requesting the variance to keep things where they are.

Chairperson Drummond asked what kind of base the shed has. Mr. Walshak stated it is on a gravel bed. He stated it could be turned or moved, but it would not be easy. The door currently faces the backyard.

Chairperson Drummond asked if there was a fence that screens it from the road and Mr. Walshak said yes. Chairperson Drummond asked where the fence was located, and Mr. Walshak said around the entire property. It is only about a foot and a half off of the property line. Chairperson Drummond asked how long the fence has been there and Mr. Walshak stated three years. Chairperson Drummond asked if he had spoken to the neighbors about this. Mr. Walshak said yes, they are in favor of the fence as it provides some privacy. Chairperson Drummond stated the setback is to provide space for maintenance of the fence without having to go on to the neighbors' property. If he speaks with the neighbors and can get letters from them in favor of this, they can be read into the record at the Public Hearing. They will be noticed for the Public Hearing.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan asked about the two separate surveys. He asked what the difference between them was. Mr. Walshak stated the newer survey had a shed on it.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the February 27, 2024 meeting. Voted and carried unanimously.

Mr. Rickett asked if Mr. Walshak had spoken to Clerk Keenan about the electrical permits. Mr. Walshak stated he will be clearing those up as soon as this is completed. Chairperson Drummond asked if there were any violations on the property and Mr. Rickett stated none have been issued.

REVIEW - Appeal 4092 – Ryan Folks (6457-01-129925)

Ryan Folks, 2 West Tilden Place, Hopewell Junction, is requesting a 10' side line variance for pool equipment pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Marguerite Folks was present.

Mrs. Folks stated her husband was out of town for work and that is why she was here tonight. Chairperson Drummond asked if the pool was installed and if the equipment had not end up where it was supposed to go. Mrs. Folks said that they did prefer it to be on the side of the home, which does not give them the 25-foot setback. Where they would like it to be is beside the gas and the electric meter, so it is more cost efficient. She also stated she believed it would look better at this location. The pool is already installed but the equipment has not been installed.

Chairperson Drummond asked if there was any screening between the pool equipment and the neighbor. Mrs. Folks stated that they do plan on putting bushes around it. They have discussed Evergreen or arborvitaes. The pool equipment is new so it will not be any louder than the neighbor's AC unit which is between the two homes as well. Mr. Rickett stated there is a lot of screening in the back for the pool, so if they bring that line of trees forward further it will hide the equipment.

Mrs. Folks stated they have spoken to the neighbors and they are all fine with the placement.

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 February 27, 2024 meeting. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Alberto Paratore, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:40 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary