

Town of East Fishkill

**ZONING BOARD OF APPEALS**

February 27, 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, March 26, 2024 and Tuesday, April 23, 2024.

Chairperson Drummond 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, please update your sign with the new date.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held January 23, 2024, as amended. 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.

**PUBLIC HEARINGS:****PUBLIC HEARING – Appeal 4091 – Kenneth Walshak (6357-04-509364)**

Kenneth Walshak, 3 Fox Rd., Hopewell Junction, requesting a 2' side and rear line variance for an existing 6' fence and an 8' sideline variance for an existing 10'x14' (140 sf) shed pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Kenneth Walshak 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 was before the Board last month. This is a property in Worley Holmes where the lots are smaller. The applicant purchased the home in 2020. He has added a shed and a 6-foot fence. Based on the survey there was a difference of where the property line really was and where it was shown. The fence ended up being a little closer to the property line than it should be. 2 feet is required for a 6-foot fence so you can do maintenance on both sides without going on to your neighbor's property. Anywhere the applicant wanted to put the shed on his property would require a variance. It is a new shed with a gravel base so it could be moved but it would be very difficult.

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

Chairperson Drummond stated there was a letter from Wade Kornet at 25 Elk Road in favor of this application. 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: 4091

APPLICANT: Kenneth Walshak

NAME OF PROJECT: Requests for a 2’ sideline & rearline variance from the requirements of Chapter 194-98 of the Town Code for an existing 6’ fence and an 8’ sideline variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 10’x14’ (140 s.f.) shed (the “Variances”)

LOCATION: 3 Fox Road, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6357-04-509364

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

**WHEREAS**, the Applicant purchased the Property in 2020 and added a shed and fence in reliance upon the dimensions provided in a prior survey; and

**WHEREAS**, the Property is in the Worley Homes section of Town, and the properties in this area of East Fishkill have smaller lots; and

**WHEREAS**, after further review, it was determined that the Applicant requires Variances for the location of the fence and shed that were previously installed; 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 February 21,2024; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on February 27, 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 Property will remain residential in nature;

The desired result cannot be achieved by some other means due to the size of the Property;

The Variances are not substantial;

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 Kenneth Walshak for a 2’ sideline & rearline variance from the requirements of Chapter 194-98 of the Town Code for an existing 6’ fence and an 8’ sideline variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 10’x14’ (140 s.f.) shed.

**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 Limitone

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 4092 – Ryan Folks (6457-01-129925)**

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

**Ryan Folks was present.**

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

Chairperson Drummond stated they have reviewed this application at the last meeting. This property is in Hopewell Glen and those are also smaller lots. Functionally this is the best place to put the equipment, so it is near existing services. She stated she does recognize that newer pool equipment runs more quietly and efficiently than older styles do. She stated they do have to recognize that there are other options where this could be located, but functionally it does make the most sense to be here. The building inspector also agreed to that when he went out to do the inspection of the property.

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: 4092

APPLICANT: Ryan Folks

NAME OF PROJECT: 10' side line Variance from the Schedule of Bulk Regulations for pool equipment

LOCATION: 2 West Tilden Place, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6457-01-129925

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

**WHEREAS**, the Applicant applied to the Building Department for a permit to install a pool; and

**WHEREAS**, the Applicant is proposing pool equipment to be located on the side of the house, which makes the most sense functionally; and

**WHEREAS**, the Applicant plans to install additional screening to prevent any impact to the neighbors; 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 February 21, 2024; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on February 27, 2024; and

**WHEREAS**, the Zoning Board of Appeals finds that:

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

The desired result cannot be achieved by some other means due to the size of the Property;

The Variance could be deemed substantial, but proper screening will be installed thereby mitigating potential impacts;

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 by Ryan Folks for a 10' side line Variance from the Schedule of Bulk Regulations for pool equipment.

**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 Limitone

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

**Kristina Thomsen and Geurys Lopez were present.**

Chairperson Drummond stated they do have a survey that is the actual survey and the second survey with the proposed deck drawn in. It is a deck off of the back of the house. He is looking to fit this deck into the nook of the “L” of the house. She asked if there was a deck there now and Mr. Geurys said no. Chairperson Drummond asked how far off the ground this would be and Mr. Geurys stated it would be the same level of the house so approximately 1 to 2 feet high.



Chairperson Drummond asked if there would be any screening. Ms. Thomsen stated there is screening along both sides of the house. Mr. Geurys stated you could see little through the sides.

Chairperson Drummond stated that the deck is only 12 feet out. This is also in Worley Holmes, so these are again, smaller lots. In order to not need a variance, the deck could only be 2 feet wide. Mr. Ahsan stated the deck was just taking up the 12-foot area behind the house. Mr. Geurys stated on the site it would follow the same line as the house. Mr. Ahsan asked if the stairs were coming directly off the deck going towards the neighbor. Mr. Geurys stated they were coming off towards the middle of the property.

Chairperson Drummond stated they also have photos from the Building Inspector that shows the existing screening.

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 March 26, 2024 meeting. Voted and carried unanimously.

**REVIEW- Appeal 4093 – Michael O’Hallaron (6356-04-562202)**

Michael O’ Hallaron, 19 Birch Dr., Hopewell Junction, requesting a 12’ rear line variance for a proposed 12’X20’ (240sf) deck, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Ryan Angeletti was present.**

Mr. Angeletti stated he is the brother-in-law of Mr. O’Halloran and he has tried to take over this project. It has not been going well due to his lack of experience. He did not understand the reading of all of the plot plans. He did not realize the house was going to stick out of the ground more than 5 feet. It is 9 feet up at this point. He stated he did not understand the elevations and when they came for the first variance for the porch, he would have asked for this at the same time had he understood it all. He thought the foundation would only be 4 feet out of the ground. Chairperson Drummond asked how it could be only 4 feet high when there is a ground-level with sliding glass doors. He stated he was looking at original plans that showed it to be a two-foot step down and he thought they could just do a patio. He did not understand how to read the elevation levels. He stated there was a retaining wall showing at the 6-foot French doors and he thought the retaining wall was going to be there with the step down. He thought it would be a 4-foot-high retaining wall that would come 6 feet out. Chairperson Drummond asked if

that's why there is no siding on that side of the house and Mr. Angeletti said yes. Chairperson Drummond stated she does not understand how he did not understand the plans. Mr. Rickett stated there is a sliding glass door off of the kitchen that leads to nowhere but a 9-foot drop.

Chairperson Drummond asked him to explain the size of the deck he is asking for. Mr. Angeletti stated he's going 12 feet out and 20 feet wide. The variance would be for the 12 feet as the foundation is at the 50-foot mark. He did supply pictures as to what the whole view would be looking from the deck. Every single house in that neighborhood house has a rear deck the same height and size as what he is proposing. He stated if the Board does not approve the 12 feet out, he can cut it to 6 feet out. At this point he needs the variance in order to get the CO because the kitchen sliding glass door opens to empty air. His only other option would be to redeveloped where the mason put the side window and then to fill in that whole area. It would require a retaining wall and applying for a 9-foot engineered retaining wall. He apologizes for not understanding all of the variances required when he took over this project. As soon as he saw the foundation go in, he knew it was going to be a problem.

Mr. Limitone asked if the deck would be in the area that is shown currently not sided. Mr. Angeletti said yes. He would come out that 12 feet and bring the stairs back towards the French glass doors. He proposed 12 feet so they could walk out and have entertainment and it would conform with the other houses. He did supply pictures of the neighbors' houses as well.

Chairperson Drummond asked what the length of the un-sided area was and Mr. Angeletti said it is over 20 feet. It is probably approximately 30 feet. He stated he proposed 20 feet for the deck so it would extend past the sliding doors.

Chairperson Drummond asked about the elevation as there is higher ground on the right side of the house. She asked if he has the ability to re-create what the rest of the neighborhood is like. Mr. Angeletti stated if they are able to do the deck it will conform with the backside of the rest of the neighborhood. It will look like a hill.

Chairperson Drummond asked if he had the ability to do a retaining wall. Mr. Angeletti stated he is trying to avoid the retaining wall. If he is able to do the deck, he will not need the retaining wall. He would then continue the siding all the way down the cement, so it all looks the same. Mr. Ahsan asked if the deck was part of the original house and Mr. Angeletti said no, it was always a 2-foot step down off the back of the house onto a patio. He thought the house was going to be more in the ground. He is starting to get a better understanding of reading plans and elevations. This would be the last variance request needed to get the CO for the house. If it needs a retaining wall, it will require an engineer to come and do it.

Chairperson Drummond stated that they told his brother-in-law right up front exactly what the building envelope for this property was and that was the only space he would be able to put anything in. She

asked what the vegetation and screening between this application and the properties behind it was. Mr. Angeletti stated it is woods and two culverts with runoff from Orthopedic Associates, Right now the trees are bare making it somewhat visible to those commercial buildings. It is all commercial buildings behind him. The backside of the house faces Route 52.

Chairperson Drummond asked Mr. Rickett if he agreed that the applicant's ability to put in a retaining wall was very limited. Mr. Rickett stated he did not pay close attention to that when he was out there. It would require a lot of fill and would require engineering plans.

Chairperson Drummond questioned the width of the deck and if it really matched all of the neighbors. Mr. Angeletti stated normal sized decks are 12 x 20 but he will make it whatever the Board will approve. He insists the house will look better with the deck.

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 March 26, 2024 meeting. Voted and carried unanimously.

## **REVIEWS:**

### **REVIEW – Appeal 4094 – Karl Vollmer (6457-01-307536)**

Karl Vollmer, 1 Candy Ln., Hopewell Junction, requesting a 14' rear line variance for a proposed addition and a 4' front line variance for a pre-existing non-conforming front porch pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

#### **Karl Vollmer was present.**

Chairperson Drummond asked Mr. Vollmer how long he has lived at this location. He stated he has been there since 2011. Chairperson Drummond asked if he put the deck on the front of the house and Mr. Vollmer said no, it was pre-existing.

Chairperson Drummond asked what the purpose of the addition would be. Mr. Vollmer stated it is for a two-car garage. It will be towards the sides. The existing single car garage will be used to extend the living room and make a mud room in the back. Chairperson Drummond stated this is a one floor ranch house and the applicant is just looking for a little more livable space.

Chairperson Drummond asked if this would match the existing siding and Mr. Vollmer said yes. She asked if there was any screening. Mr. Vollmer stated there are white pines along three sides of his property. Mr. Rickett stated this is a very well screened area.

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 March 26, 2024 meeting. Voted and carried unanimously.

**REVIEW - Appeal 4096 – Camille Riggio (6457-04-680444,685419)**

Camille Riggio, 228-230 Lake Walton Rd., Hopewell Junction, lot A requesting a 9' front yard, 5' side yard and a variance for being in front yard for an existing garage. Lot B requesting 16' side yard variance for a pre-existing dwelling, a 6' side yard and front yard variance for an existing shed and a 35' side yard and a front yard variance for an existing garage pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Brian Stokosa and Carmille Riggio were present.**

Mr. Stokosa stated the applicant has three parcels with an existing house on the south side. The house to the South currently uses the garage associated with the parcel to the north. The existing property line actually splits the driveway. The majority of the driveway is to the north. They are working with the Planning Board to do a lot consolidation to go from three lots to two lots. They are in the R1 zone so that will make these parcels more conforming, specifically to what will be Lot A. They would like to pull the garage itself off of Lot B and have it associated with Lot A. They did position the new lot line between the two Garages. They have accessory structures in the front yard that need various variances as well. They are trying to position lot lines so they can have the car garage used with parcel A on parcel A's property. Chairperson Drummond stated all three lots are currently nonconforming. This will reduce the lot count down to making them more conforming. All of these buildings were built in the 50's and zoning did not come into the Town until 1963. She did state that the one garage on Lot B needs a lot of attention and fixing up. Mr. Rickett stated the Planning Board raised the same concerns.

Mr. Rickett asked if the gas pump behind the garage was connected to fuel service. Mr. Stokosa stated it is for decoration only. Mr. Rickett stated there is also a 6-foot fence on that property that will also require a variance. It is only 0.5 feet from the property line. Chairperson Drummond stated it will be added to the application.

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 March 26, 2024 meeting. Voted and carried unanimously.

**ADJOURNMENT**

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:43 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary