

Town of East Fishkill

ZONING BOARD OF APPEALS

March 26, 2024

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were Alberto Paratore, Aziz Ahsan, 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 wanted to acknowledge that one Board member did have a death in his family, so that is why he was not present. There is a quorum, so it is not a problem.

Chairperson Drummond stated that the next meetings would be Tuesday, April 23, 2024 and Tuesday, May 28, 2024.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held January 23, 2024. Voted and carried unanimously.

Chairperson Drummond then went through the procedures for the meeting. She stated this meeting only has Public Hearings, which are applications that this Board has already had the opportunity to review. Neighbors have been noticed and now they have opportunity to tell the Board anything they may not be aware of. They know the property better than the Board may.

PUBLIC HEARINGS:

PUBLIC HEARING – 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.

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 home is in Worley Homes. They do have public utilities and these lots are much smaller than most of the other lots in the Town. Pretty much anything they want to do with their yard will require a variance just because of the nature of the community. They have an L-shaped house and they want to build a deck into that L-shape. It is only one to two feet off of the ground and is only 300 sq ft. There is screening on both sides between the applicant and their neighbors. The deck is only going out 12 feet, so it is not a large deck.

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: 4075

APPLICANT: Kristina Thomsen & Geurys Lopez

NAME OF PROJECT: A 5’ side line Variance and a 10’ rear line Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for a proposed 300 s.f. deck (the “Variances”)

LOCATION: 39 Elk Rd., Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6357-03-453423

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Aziz Ahsan

WHEREAS, the Applicants seek to install a deck into the nook of their house; and

WHEREAS, the Property is constrained by its size, so any deck added would require a Variance; and

WHEREAS, the deck will be located only a few feet above the ground, mitigating any potential visual impacts;
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 March 20, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on March 26, 2024; and

WHEREAS, the Zoning Board of Appeals finds that:

The granting the Variances 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 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 Kristina Thomsen & Geurys Lopez for a 5’ side line Variance and a 10’ rear line Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for a proposed 300 s.f. deck.

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	Absent
Chairperson Norma Drummond	Aye

PUBLIC HEARING – 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.

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

Chairperson Drummond stated this is the third time the applicant has been before the Board for variances. The first time was because of the buildable size of the lot. At that time, the Board was very clear with him about the buildable area. They did a box on the map and told him that was the only place that he could put the house and it would be wide and long. He came back the second time because he wanted a front porch and the garage exceeded the frontline. The Board approved that because it made the aesthetics of the house look better. Now the applicant is back again because the modular has actually been delivered and there is a 6 foot sliding glass door in the back that is now 9 feet off of the ground. The applicant’s representative stated he was not expecting that, but the Board does find that a little hard to believe because there is clearly a lower level on the house. The Building Inspector did go out and look at the site and it is clear that they could fix it by bringing in a lot of earth and building a retaining wall. It would probably require a scaled retaining wall to do that. That is not the best way to correct this. To Mr. Angeletti’s credit, he did bring photographs to show the neighbor’s house has a deck that extends equally as far out. The neighbor behind this property is a commercial business so he is not impacting another residential neighborhood because of this. She did ask if this was the final time this application would be here. Mr. Angeletti stated he would not be back. His brother-in-law may want a shed at some point but Mr. Angeletti himself is not coming back for this house. Chairperson Drummond told him “side yard”. She stated there is a reason some lots have not been built on. She stated they would probably need a variance to bring in the amount of ground needed to fill in that back area and build the retaining wall. It would end up being a maintenance nightmare as well. The foundation line of the house is the end of the buildable area.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan stated he is not happy, but he does understand the applicant's constraints.

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 Alberto Paratore, to close this Public Hearing. Voted and carried unanimously.

APPEAL NUMBER: 4093

APPLICANT: Michael O’Halloran

NAME OF PROJECT: A 12’ rear line Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for a proposed 12’ X 20’ (240 s.f.) deck

LOCATION: 19 Birch Drive, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6356-04-562202

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Alberto Partore

WHEREAS, the Applicant previously received Variances pursuant to Appeal Number 4042 for an undersized lot and 4076 for a front-line variance for a proposed dwelling, garage, and front porch; and

WHEREAS, the Applicant was asked by the ZBA if he needed additional variances, and he stated that he did not; and

WHEREAS, thereafter, the Applicant ordered a modular house that did not conform to the Applicant’s understanding of what was approved by the ZBA; and

WHEREAS, the Applicant’s contractor has posited that to make the house comply with the Building Code, he either has to add a deck or a large retaining wall; and

WHEREAS, the proposed deck is similar to what other nearby properties have, and the proposed rear line Variance would move the deck closer to abutting commercial properties rather than residential ones; 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 March 26, 2024; and

WHEREAS, the Legal Notice was published in the Southern Dutchess News on March 20, 2024; and

WHEREAS, the Zoning Board of Appeals finds that:

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

While the Applicant could build a retaining wall instead of a deck, the deck is preferable for a residential property;

The Variance is not substantial;

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request from Michael O’Halloran for a 12’ rear line Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for a proposed 12’ X 20’ (240 s.f.) deck.

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	Absent
Chairperson Norma Drummond	Aye

PUBLIC HEARING – 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.

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

Chairperson Drummond stated this application was before the Board last month. She did do a site visit. This is the corner lot behind the CVS Plaza. He is looking to make a two-car garage addition and will take the existing garage and make it into livable space within the house. The existing house was built in 1958 and zoning did not come into the Town until 1963. The house does not comply, but they are not going to make him move his house. They are just trying to clean it up. There is screening on three sides. The CVS plaza does not have a lot of screening this time of year.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan stated he did a site visit, and it is within the character of the neighborhood.

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: 4094

APPLICANT: Karl Vollmer

NAME OF PROJECT: A 14' rear line Variance from the Schedule of Bulk Regulations for a proposed addition and a 4' front line Variance from Section 194-94 of the Town Code and the Schedule of Bulk Regulations for a pre-existing non-conforming front porch (the "Variances")

LOCATION: 1 Candy Lane, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6457-01-307536

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Rocco Limitone

WHEREAS, the Applicant proposes an addition on the side of his Property abutting a commercial property; and

WHEREAS, the addition would consist of more livable space and a garage; and

WHEREAS, there is a significant, existing screening which will mitigate any potential visual impacts; and

WHEREAS, the existing porch was added by a prior owner; 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 March 20, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on March 26, 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 community as the Property will remain residential in nature;

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

The rear line Variance could be deemed substantial, but there is significant screening mitigating any potential impacts;

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 Karl Vollmer for a 14’ rear line Variance from the Schedule of Bulk Regulations for a proposed addition and a 4’ front line Variance from Section 194-94 of the Town Code and the Schedule of Bulk Regulations for a pre-existing non-conforming front porch.

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	Absent
Chairperson Norma Drummond	Aye

PUBLIC HEARING – 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.

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

Chairperson Drummond stated this application was before the Board last month. These are three nonconforming lots. The applicant is making them into two still nonconforming, but more conforming to code, lots. The houses and garages that are there were all built in the 1950's before zoning. Zoning no longer allows for garages or sheds in the front yard, and that's what is already there. She did want to acknowledge that at the last meeting, they did asked the applicants to take care of the bottom part of one of the garages that was showing its age and it has been done. She does appreciate that. She hopes in the Spring maybe the rest of it will get painted. It does make a big difference.

Chairperson Drummond stated that the actual lot line realignment is an action of the Planning Board. At last week's meeting they did determined that they wished to be Lead Agency for the SEQRA review. The Zoning Board does not need to do its own review, so this will be a coordinated review. The Zoning Board did receive the circulation for the Planning Board to be lead agency.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to consent to the Planning Board being the Lead Agency. Voted and carried unanimously.

Chairperson Drummond stated that because the Planning Board has to do the SEQRA review, the Zoning Board cannot close the Public Hearing tonight. After they do the environmental review the Zoning Board will build on that.

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 adjourn this Public Hearing to a future meeting. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:29 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary