

Town of East Fishkill

**ZONING BOARD OF APPEALS**

May 28, 2024

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. 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, June 25, 2024, and Tuesday, July 23, 2024.

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

Chairperson Drummond stated the meeting is at the East Fishkill Fire District Headquarters as it is Grievance Day at the Town Hall. The meeting is not being televised and is only being recorded for the ability to have the minutes done. She stated all applicants are here because they are asking for something that is not allowed by code and the Board needs to consider if there is some special circumstance for each individual property that would require a special consideration and a variance. She also stated that Appeal 4101, Item 3 on the agenda was not being opened tonight as the Planning Board has not finished their work on this yet.

Chairperson Drummond went through the procedures for the meeting. She stated that the first part of the meeting are 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 these applications, 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 4098 –Lisa Gruson (6455-00-763215)**

Lisa Gruson, 723 Hortontown Rd., Hopewell Junction, requesting a 20' sideline variance for a proposed 22x18 (396sf) detached garage pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations.

**Vincent Napolitano was 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. This is a very long lot. Based on the topography of the lot, the best place for this garage is where it is proposed. The grade of the property goes down and this will be at the end of the driveway. She asked what it would look like, and Mr. Napolitano stated it would be sided with leftover siding from the house. The septic is also in the rear of the house and there is a large tree on the side.

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: 4098

APPLICANT: Lisa Gruson

NAME OF PROJECT: A 20' side yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 22'x18' (396 s.f.) detached garage

LOCATION: 723 Hortontown Rd., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6455-00-763215

ZONING DISTRICT: R-2

Resolution offered by Zoning Board Member: Aziz Ahsan

**WHEREAS**, the Property is a long, narrow lot; and

**WHEREAS**, the Applicant is proposing to place a garage at the end of the existing driveway; and

**WHEREAS**, other alternative locations are not feasible due to the grade of the Property; and

**WHEREAS**, the finish on the proposed garage will match the siding of the existing house; and

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

**WHEREAS**, the Legal Notice was published in the Southern Dutchess News on May 22, 2024; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on May 28, 2024; and

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

The applicant will provide screening between the garage and the property line prior to issuance of the C.C.

The granting of 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 narrow layout and grade of the lot;

The Variance could be deemed substantial, but the proposal is the best spot for the proposed garage;

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 Lisa Gruson for a 20' side yard variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 22'x18' (396 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: 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 4099 – Michael Scherer (6455-02-828765)**

Michael Scherer, 499 Shenandoah Rd., Hopewell Junction, requesting a 9’ front yard variance for a proposed 20’X20’ (400sf) deck, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Michael Scherer was 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. This property has been before the Board in the past. It is on a corner on Shenandoah Road next to the Baptist Church and was zoned business as there was a business there. They did have to allow a residence to be there. This is a new owner. This is for a deck with stairs to the driveway. The stairs do extend into the driveway and

front yard. The variance is only for the stairs. There is a septic line that prohibits any other location for the stairs.

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. John Jackson stated he is Chairman of the Board of Deacons for the Bethel Baptist Church. He stated Mr. Scherer is a great neighbor and they are in favor of this application.

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

APPEAL NUMBER: 4099

APPLICANT: Michael Scherer

NAME OF PROJECT: A 9' front yard Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for a proposed 20'X20' (400 s.f.) deck

LOCATION: 499 Shenandoah Road, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6455-02-828765

ZONING DISTRICT: B-1

Resolution offered by Zoning Board Member : Alberto Paratore

**WHEREAS**, the Property was the subject of previous variance requests for a pool and pool equipment pursuant to Appeal Number 4034; and

**WHEREAS**, after Appeal Number 4034 was decided, the Property was sold to the Applicant; and

**WHEREAS**, the existing house is located very close to the roadway; and

**WHEREAS**, the Applicant stated that the deck has to be the layout as proposed due to the existing sewer line;  
and

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

**WHEREAS**, the Legal Notice was published in the Southern Dutchess News on Wednesday May 22, 2024; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on May 28, 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 community as the Property will remain residential in nature;

The desired result cannot be achieved by some other means due to the location of the house;

The Variance could be deemed substantial, but the proposal is the only viable location;

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 Michael Scherer for a 9' front yard Variance from the requirements of  
Section 194-94 of the Town Code and the Schedule of Bulk Regulations for a proposed 20'X20' (400  
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: 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 4101 – Gabriella Rose LTD (Flory’s) (6356-04-635231)**

Jamy Flory, 1997 Route 52., Hopewell Junction, requesting a 76’ front yard variance, 3’ side yard variance for a proposed vacuum station, 67’ front yard, 6’ side yard variance for an air station, 10’ side yard variance for a cooler, 10’ side yard variance for an ice chest, a 10’ side yard variance for a propane cage and a 12% maximum lot coverage variance pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.



Chairperson Drummond stated that the Planning Board is not finished with what they need to do on this application, so the Zoning Board will not be opening this Public Hearing tonight.

**PUBLIC HEARING - Appeal 4102 – Richard Conboy (6458-03-305478)**

Richard Conboy, 23 Larchmont Dr., Hopewell Junction, requesting a 10’ side yard variance for an existing 10’X14’ (140sf) detached garage, pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations.

**Richard Conboy 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 set all the way at the top of the driveway. The shed has been there since 2006 and the owner has replaced the roof and the siding, so it is in good condition. It is a shed, but it has a garage door on it, so the code requires it be called a garage. The neighbors have sheds very similar at the top of their driveways, so it blends right in.

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: 4102

APPLICANT: Richard Conboy

NAME OF PROJECT: A 10' side yard 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.) detached garage

LOCATION: 23 Larchmont Drive, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6458-03-305478

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Rocco Limitone

**WHEREAS**, the Applicant had applied for a permit for a shed that had been on the Property since 2006; and

**WHEREAS**, during the application process, the Building Department determined that the shed actually constituted a detached garage due to the type of door; and

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

**WHEREAS**, the Legal Notice was published in the Southern Dutchess News on May 22, 2024; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on May 28, 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 community as the Property will remain residential in nature;

The desired result cannot be achieved by some other means due to the pre-existing location of the structure;

The Variance could be deemed substantial, but the structure is not overly large, minimizing the 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 Richard Conboy for a 10’ side yard 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.) 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 4103 – Gerard James (6357-02-529865)**

Gerard James, 22 Sunset Blvd., Hopewell Junction, requesting a 750 sf size variance for a proposed 30'X50' (1500 sf) detached garage, pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations.

**Gerard James was present.**

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

Chairperson Drummond stated this application was before the Board last month. The applicant stated he has a lot of stuff that he wants to store in a garage. He mentioned he had multiple vehicles, a Kubota, a trailer, a wood splitter, and multiple people living in the residence with additional vehicles. They did discuss the size and it is large because of the need to have so much stuff. The code allows up to 60% of the footprint of the house which is 626 sq. ft., but the code allows the Zoning Board going up to 750 sq. ft. They did discuss the color and the applicant stated it would match the house. Chairperson Drummond stated the applicant said it was going to be metal and Mr. James stated it will be a dark gray on the bottom and a lighter gray on the top to match the house. Central Hudson power lines right-of-way are behind him so there are no neighbors there.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan asked if the shed was going to stay there, and Mr. James stated no it would be removed when the garage is up because the things in the shed will be going into the garage. Mr. James stated there is also a canvas hut in the front that will also be removed. Mr. Ahsan asked if the shed should stay as part of the resolution and Chairperson Drummond stated no because then the next owner could put one up. Mr. James stated it is falling apart and will be coming down. There is also a concrete patio that was an old basketball court, and they are just leaving it listed as a patio.

Chairperson Drummond asked if there was anyone from the public to speak for or against this application.

Mr. Gilmore stated he lives at 25 Sunset Boulevard and has been there for 40 years. He believes the size of this garage is extreme for the neighborhood. The garage will be bigger than any house on the street. There are already two houses on the property. One is gray vinyl, and one is brown board and batten with a garage on it. He stated at the last meeting they stated anyone would only be able to see 30 feet of it. His house is the last on the cul-de-sac opposite it and he will be looking at all 50 feet and it will look like a large industrial building in a residential neighborhood. It will be out of place. Chairperson Drummond asked if there was any screening or vegetation on this residence side. Mr. Gilmore stated he is not bordering the applicant's property. He stated it would be different if it would match one of the other buildings but as it is the two existing buildings do not match. He stated it is 4 feet wider and 2 feet longer than any house on the street. The accessory unit is really a second house. Mr. Ahsan asked if someone was living there and Mr. Gilmore said yes. He stated they were friends, and he did try to talk to Mr. James about this. He just does not feel it needs to be this big. He stated it will probably raise the property value of Mr. James' house but lower everyone else's in the neighborhood. Chairperson Drummond asked if he had any objection to the concrete pad and Mr. Gilmore said no. He did state that there is a cloth temporary hut on it, and he did understand that they were not legal. Chairperson Drummond stated canvas huts are supposed to be temporary. He stated he spoke with two other neighbors, and they had some issues with this as well, but they did not want to come in. At the last meeting, the applicant stated he spoke to three neighbors and Mr. Gilmore stated Mr. James did tell him about it but didn't ask his opinion. He just told Mr. Gilmore what he was going to do. The other two neighbors will also be looking at 50 feet of it as well.

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

Chairperson Drummond asked if the accessory unit was going to match the house and Mr. James stated it will match the other two buildings next year. Chairperson Drummond asked if it was an accessory unit only or if it was an accessory unit with the garage below it and Mr. James stated there is no garage. It is all an accessory unit. He has all of the COs for it, and his property is zoned for three families. He produced a letter signed by Willie Jackson stating that.

Chairperson Drummond asked what Mr. James thought now that he had heard concerns and his neighbor. Mr. James stated Mr. Gilmore tried to stop him from getting the accessory apartment. Chairperson Drummond stated it is Mr. Gilmore's right to come and express concerns and the Board may agree with him regarding the size of this garage. She asked if there was any way the applicant could use a smaller garage. Mr. James stated he may be able to use a 30 x 40. He also stated he has to get a video showing that it will not be visible from Mr. Gilmore's home. He showed the video to the Board. It had a staked out area where the garage was going to be, and he walks the entire line of it. Mr. Gilman's house is behind two pine trees. Chairperson Drummond stated there are pine trees there which will not lose their cover in the winter. The question that still remains is if the applicant can make do with a smaller size garage. Mr. James stated he can make do with a 30 x 40. Chairperson Drummond stated that is a significant decrease in size.

Mr. Ahsan asked if Mr. Gilmore would have less concerns if the applicant drops the size to 30 x 40. Chairperson Drummond stated he does have video to show the neighbor's house and it cannot be seen because of the pine trees that are there. Mr. Gilmore stated if you stand in his driveway, you can see clearly where the garage will be.

Attorney Cunningham stated the Board could consider holding the Public Hearing open to allow for written comments from the neighbors.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn this Public Hearing until the June 25, 2024, meeting. Voted and carried unanimously.

**PUBLIC HEARING - Appeal 4104 – Keith McManus (6655-03-302484)**

Keith McManus, 50 Nathan Hale Dr., Hopewell Junction, requesting a 26' rear yard variance for an existing 2 tier deck 55'X15' (825sf) deck, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Keith McManus was 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. The deck was there when the house was purchased by the applicant. It was replaced in the exact footprint. They found it when he went to sell the house during the title search. When he purchased the house, it was on the title and title insurance and on the survey from 1991 but it did not have a permit. Chairperson Drummond stated this is a pie shaped lot. It is behind the house, so it is considered in the rear yard. They are just talking about the part of the deck that is on the left side rear of the house. The survey shows the rear of the house is only 36 feet away. The house itself does not meet the setbacks. The house was built in 1978. Chairperson Drummond asked where the stairs were, and the applicant stated they would be off the back. The deck itself is not excessive in size.

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.

Jemal Mosley stated he was the neighbor directly behind this applicant and he does not have any issues with it.

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

APPEAL NUMBER: 4104

APPLICANT: Keith McManus

NAME OF PROJECT: A 26' rear yard Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for an existing two-tiered 55'X15' (825 s.f.) deck

LOCATION: 50 Nathan Hale Dr., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6655-03-302484

ZONING DISTRICT: R-3

Resolution offered by Zoning Board Member: Art Mahony

**WHEREAS**, there was an existing deck when the Applicant purchased the Property; and

**WHEREAS**, after assessing the deck, the Applicant decided to replace it to make it safer; and

**WHEREAS**, the Applicant thought the prior owner had gotten all necessary approvals for the deck; and

**WHEREAS**, the Applicant learned about the need to get an approval due to a municipal search by the proposed purchaser for the Property; and

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

**WHEREAS**, the Legal Notice was published in the Southern Dutchess News on May 22, 2024; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on May 28, 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 community as the Property will remain residential in nature;

The desired result cannot be achieved by some other means due to the existing location of the deck;



The Variance could be deemed substantial, but the deck has limited visibility from other neighboring properties;

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 Keith McManus for a 26’ rear yard Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for an existing two-tiered 55’X15’ (825 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       | Aye |
| Chairperson Norma Drummond    | Aye |

**REVIEWS:**

**REVIEW - Appeal 4100 – Frederick Romig (6556-01-289959)**

Frederick Romig, 2762 Route 52, Hopewell Junction, requesting a Special Permit to allow a professional office in a residential district and a 607sf size variance for a 1,478sf existing detached garage, pursuant to Section 194-90 of the Zoning Ordinance. Footprint of existing house is 1,452sf

**Frederick Romig was present.**

Attorney Cunningham stated for the record that this is one of the Town Judges. Like any other citizen of the Town, he is able to apply to the ZBA and they will review it as they would any of the other application.

Chairperson Drummond stated that the applicant is looking to put in an office that she is assuming will be a law office in his home. She asked if he would have any employees. Judge Romig stated he may possibly have one employee. Chairperson Drummond stated they need to verify that there is appropriate parking. She asked if it would be visible from the street or from the neighbors. Judge Romig stated his house is situated on 7 acres and it is all wooded behind him. The house cannot be seen at this time of year from the road, and he has parking for six in his driveway. Chairperson Drummond asked if clients would be coming to this home office and Judge Romig said yes. Realistically he will not be meeting with more than one client at a time so there could be one car for his employee and one car for his client.

Chairperson Drummond stated there is an existing garage on the property. Judge Romig stated it is a three-car garage that looks like a carriage house, and it has a second-floor gambrel that is for storage. It was built five years ago and does match the house.

Chairperson Drummond asked if there would be a sign out at the roadway and Judge Romig stated not if he did not have to.

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

**MOTION** made by Aziz Ahsan, seconded by Alberto Paratore, to advertise and set this for Public Hearing for the June 25, 2024, meeting. Voted and carried unanimously.

**REVIEW - Appeal 4105 – Raap Management LLC (6356-04-584216)**

Ryan Angoletti, 11 Birch Dr., Hopewell Junction, requesting to build on an under-sized lot 0.922 acres in an R1 zone and a 7' front line variance for a proposed dwelling, pursuant to Section 194-130 of the Zoning Ordinance and the Schedule of Bulk Regulations.

**Ryan Angoletti was present.**

Chairperson Drummond stated this is right next to 19 Birch which they have already had variances for with Mr. Angoletti. That was for a frontline variance specifically for a deck, not for the house. This application is asking for a wider house. She asked if this property had the same issue with how narrow the last property was. Mr. Angoletti stated it is probably in the same envelope. If they push the back of the house, it pushes the garage up 7 feet because the garage sticks out past the house. The main house will be most likely 50 feet from the road, but the garage will encroach 7 feet towards the road.

Chairperson Drummond stated there is no garage shown on the plans she has. She stated it shows stairs out in the front that are beyond the 7 feet. Mr. Angoletti stated it is a slab on grade house so there will not be any stairs. There will be a small concrete patio. Chairperson Drummond asked about the topography in the back. Mr. Angoletti stated the back patio will be a concrete slab also. There is no basement. Chairperson Drummond asked if this was a one- or two-story house and Mr. Angoletti said it was a two-story house. Chairperson Drummond asked if there was any egress at all from the second floor and Mr. Angoletti said no.

Chairperson Drummond asked if there was any deck in the front and Mr. Angoletti said no. Chairperson Drummond stated he is just making a wider house and the applicant said yes. The applicant is looking to use the same frontline the neighboring property created based on his deck, not the actual house. She asked why they should approve that. This is new construction, so she asked why they need the full 7 feet of house space. Mr. Angoletti stated that the inside of the house will be a larger square footage which is what the client wanted. The second is that he could make a wooden deck there or just the house there. It

still conforms with every other house in the neighborhood. It will not be a monstrosity of the house. This house will be 2400 sq. ft. and the other house is 2050. Looking at it from an aesthetic or neighborhood look you will not see a difference. Chairperson Drummond asked what the actual front width of the house was. Chairperson Drummond stated the map shows it to be 100 feet wide. The measurements shown just are not adding up. Mr. Angoletti stated he believes it is 30 x 40 and only the garage requires a 7-foot bump out. The front of the house isn't all at that 7 foot mark, so it is not for living space, just the garage. Chairperson Drummond asked if there was living space above the garage and Mr. Angoletti said no. There was much discussion about the size of the house as there were no measurements on the plot plans provided.

Chairperson Drummond stated 19 Birch also had a variance for the garage. They came back for the front porch and garage, and they also came back for the deck in the back. She stated she could not argue the garage because they did get the other house a variance for a garage. She stated he is asking for additional living space which is beyond what the other house was asking for. This is new construction. Mr. Angoletti stated the variance is just for the garage because it is offset from the house. The house is going to be within the building envelope. The house is 30 feet wide, and the garage is going to be offset, which comes out 7 feet. The 7 feet is not going all the way down the house. It is just for the 24-foot garage. Mr. Rickett asked if there was living space above the garage and Mr. Angoletti said no. Chairperson Drummond stated the same front mark is also at the width the concrete slab is going to be. The front door looks like it is also out that far. The rest of the house is not set 7 feet back. Mr. Angoletti stated he would get them the building plan.

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

Mr. Ahsan stated he needs to see plans and measurements. Chairperson Drummond stated that the house is not set back 7 feet. Mr. Mahony stated it looks like it is measuring a house at 1 1/2 feet back from the door which shows the house at 44.5 ft. Chairperson Drummond stated if you take that extra one a half feet for times the length of the house, it is adding all that extra square footage to the house. That makes it larger than the deck that they approved for the other house. Mr. Ahsan stated he did not want to see additional variances down the road during construction. Mr. Angoletti stated this lot is larger than the other one. It is almost an acre. Chairperson Drummond stated this is .9 acres and the other one was .8 acres. Chairperson Drummond stated her concern is that the applicant is using previous approvals against the Board now. She stated that was approved because the deck would make the house look better

and the garage made sense. She's not disagreeing with the garage but she is disagreeing with why they need a larger house. As it is new construction he has the opportunity to build it or not.

Mr. Angoletti stated it was his understanding that the front of the garage was going to bump out and that is what they need the variance for. He stated if that is not the case, he has no problem with going back to the footprint of the building envelope of the existing house that they just built. There will be no front porch as it is a slab on grade. Chairperson Drummond stated there may be an aesthetic appeal to having a deck on the front. They have not been shown what the front of the house will look like. She stated it sounds like the applicant needs to come back next month with more information for the Board. They do not have enough at this point to advertise. They need to know what the front of the house is going to look like. Mr. Angoletti stated he would come back next month with what the front of the site will look like and the measurements. Chairperson Drummond stated he may still need the variance for the garage but since this is new construction, they need to minimize what the ask is.

**REVIEW – Appeal 4106 – Diedrian Clarke (6457-01-093682)**

Diedrian Clarke, 22 Pitcher Rd., Hopewell Junction, requesting a lot coverage variance. 12% lot coverage is permitted. They have 27% covered. A 15% lot variance is needed pursuant to the Schedule of Bulk Regulations.

**Diedrian Clarke was present.**

Chairperson Drummond asked if everything was already built. Ms. Clarke said yes. This is in Hopewell Glen. Chairperson Drummond asked if the house itself created this issue or if it was whatever else was built on this lot. Ms. Clarke stated she went over her lot coverage when she installed the inground pool and deck. Chairperson Drummond asked if this was built with permits and Ms. Clarke said yes. There is a concrete patio in the back. Hopewell Glen has smaller lots and there are sometimes issues with the house actually exceeding their lot coverage. Mr. Rickett stated the house is 13.5%. Chairperson Drummond asked the applicant if there was anything else that they were planning on doing to the lot and Ms. Clarke said no.

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 June 25th, 2024 meeting. Voted and carried unanimously.

**REVIEW - Appeal 4107 – Michael Negulic (6456-04-898001)**

Michael Negulic, 134 Townsend Rd., Hopewell Junction, requesting a 527sf size variance for a proposed 24’X30’(1,400 sf) 2 story detached garage pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations. Footprint of the existing house is 1,456sf

**Michael Negulic was present.**

Chairperson Drummond asked why this garage needed a second floor. Mr. Negulic stated the second floor is for a bonus room for storage only. He had just moved from a 5,000 sq ft house to a 2500 sq ft house and he has no room for storage. It will not be a living space and it will actually be 1401 sq-ft. Originally, he was doing the 750 sq-ft but he didn't think the second floor counted in the square footage count. The downstairs will be 768 sq-ft and upstairs will be a 633 sq-ft.

Chairperson Drummond asked if there would be heat and Mr. Negulic said no. She asked if it would match the house and he said yes. Chairperson Drummond asked if there was screening between him, and the neighbor and he said there is a fence 25 feet away. He does clear around the area and in the back.

Chairperson Drummond stated this is not connected to the driveway. It is located at the top of his driveway. It is not connected to the driveway. She asked if they were going to extend the driveway back and if there was a garage on the property. Mr. Negulic said no. He stated the last owner had a garage/oversize shed so five months ago he put French doors on there because he was told it couldn't be there. The garage was not on the permit when they purchased the house. He paid for the permit for the shed because it is not a garage. He does have a garage on the house. He stated he has five other cars and stuff at his other house that he would like to have all here at one location. There is some vegetation.

Chairperson Drummond asked about the house next to him. Mr. Negulic stated he will be taking down the pool and the only house is to the left of that. It will only be visible to one neighbor. At some point he

will take down the chicken coop, which he does have a permit for. He stated the driveway is a quarter mile long. He stated he will be taking down the pool because there are privacy issues between him, and the neighbor and he wants to block the neighbor's view with the garage.

Mr. Ahsan would like a better map. Mr. Negulic showed the Board photos he had on his phone.

Chairperson Drummond asked if he would be putting up landscaping and Mr. Negulic stated he would do whatever is required.

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 June 25, 2024, meeting. Voted and carried unanimously.

**REVIEW Appeal 4108 – Miglionico2 LLC (6457-01-33567)**

Miglionico2 LLC, 447 Route 376, Hopewell Junction, requesting a size variance of 246sf to allow for two, 1-bedroom apartments. There is a 750sf minimum required they are asking for 504sf per apt. pursuant to Section 194-4.2.1 of the Zoning Ordinance.

Attorney Cunningham stated for the record that this is one of the relatives of a Town Board member. Like any other citizen of the Town, he is able to apply to the ZBA and they will review it as they would any of the other application.

**Chris Lapine was present.**

Chairperson Drummond stated a 504 square-foot one-bedroom apartment is very small. It is fine for a studio apartment, but very small for a one-bedroom apartment. She would put a senior in a 600 sq ft apartment. She asked how many apartments were there now. Mr. Lapine stated there is one two-bedroom apartment currently there. The proposal is located at 447 Route 376. This had received approval in 2005 for an office on the first floor and a two-bedroom apartment on the second floor. There

are eight parking spaces dedicated for this on the premises. The property is located within the Hamlet zoning district. Studio apartments are required to be 500 sq ft minimum and one bedrooms are 750 sq ft minimums. The applicant is seeking to create two one-bedroom apartments upstairs each at 504 sq ft. That would be shy by 246 sq ft each. Chairperson Drummond asked why they would want to make such small one-bedroom apartments. Mr. Lapine stated there is a need in the community for apartments. He stated the reason they cannot fit two studios in is because this is an existing building and there are no improvements proposed to the exterior. The central plumbing for this building is where the bathrooms are located, which is centrally on the second floor. They are trying to utilize the existing plumbing without having to move any plumbing lines or utilities on the first floor. The existing utilities are causing a natural partition for each one of the apartments. This is commercial on the first floor but there is currently no business in it. This was a former real estate business and before that, a computer business. There are currently no occupants on the first floor or second floor. Chairperson Drummond stated there is a need for two-bedroom units as well. She asked why they are choosing to eliminate them. Mr. Lapine stated they are not under the code for a studio, but they have more privacy with a one-bedroom than with a studio apartment. He stated there are more people working from home so the desire to have separate scenery from their workspace versus their sleeping space is a benefit. He stated if you are hosting company in a studio, your bed becomes the couch and people do desire a one-bedroom for more privacy than studio. There is a need for more apartments in general and by creating two one bedrooms they are putting more units out there.

Mr. Ahsan stated that there would now be two units with two bedrooms, kitchens, and bathrooms and Mr. Lapine said yes.

Chairperson Drummond stated it would be helpful to see the layout of the apartment. Mr. Lapine had a copy to show them. He showed the Board the layout of the existing two-bedroom apartment and where the plumbing and sewer is located. He stated the entrance, and the emergency access would still remain the same. There are firewalls that are creating the bedrooms in the back.

Chairperson Drummond asked Mr. Rickett if they took off the door to the bedroom would be considered a studio apartment. If so, then it would not require any variances. Mr. Rickett asked Mr. Lapine to please send a copy to the Building Department and they will review it.



**REVIEW - Appeal 4109 – Elizabeth Scheuer (6557-02-771998)**

Elizabeth Scheuer, 53 Phillips Rd, Hopewell Junction, requesting a 7' front line variance for a proposed addition pursuant to the Schedule of Bulk Regulations.

**Darren Conard was present.**

Chairperson Drummond stated this house was built in 1930. The front of the house does not face the roadway. The road frontage is actually at the back of the house. The applicant stated this is on 42.5 acres. The owner of this lot owned property all surrounding this property. They are looking to add a master suite on the first floor which is partially in the 15-foot setback. This is for an age in place suite. Chairperson Drummond asked how many bedrooms there were currently in the home and does Mr. Conard stated there are four currently and they will be adding a fifth. There is also a new septic attached. Mr. Ahsan stated it shows a guest house and he asked if there was anything going on with that. Mr. Conard stated it is pre-existing and they are not doing anything with it at this point.

Chairperson Drummond asked who owned the neighboring property and Mr. Conard stated it is the applicant. Chairperson Drummond asked why she just does not do a lot line re-adjustment and get rid of the need for the variance. Mr. Conard stated this variance has nothing to do with that property. Chairperson Drummond stated they should not be dealing with an application for a property that has a violation. From the map he has provided it looks like the building goes over the property line which would be a violation. Mr. Rickett stated he has not seen that survey. Mr. Mahony stated the wording on the map states approximate property line. This is not a survey. Mr. Conard stated this is a plot plan. The surveyor who completed the plan went back and added on the buildings that were missing and this is based on an original survey that had things hand drawn on it from the 1980s. Mr. Rickett stated it said the boundary lines were from a deed plot and no survey was performed. These lines may or may not be accurate.

Chairperson Drummond asked why the proposed addition needs to go in this location. Mr. Conard stated that on the opposite side is the kitchen and on the backside is an all-glass sunroom. It would not aesthetically make sense nor in terms of the floor plan orientation would it make sense to put it on the other side of the building. If it was on the full back of the building it would be even more into the

setback as the rear of the house faces the roadway. They placed it as far as they could on the least obtrusive side to accommodate the natural views as well.

Mr. Ahsan stated the applicant owns a lot of property and could make adjustments. Chairperson Drummond stated they cannot make adjustments to the frontline.

Chairperson Drummond asked if there were windows that do not allow this to get moved up and Mr. Conard said yes. There is a very large window and if they were to move anything they would have to take out that window and make structural changes. Chairperson Drummond stated that is one option they could do. Mr. Conard stated the client would like to avoid the up charge of structural changes as well as losing the view. Chairperson Drummond stated they are not just adding a bedroom. There is a walk-in closet and a sunroom. The space can be minimized. Mr. Conard stated the owner is looking for an age in place bedroom that could be ADA compliant. This will be the only bedroom on the first floor. Mr. Rickett stated the variances measured to the center of the road on this application. Clerk Keenan said Michele Robbins has discussed this, and that is where the property line would be. Mr. Rickett stated the applicant does own the property on the other side but they are different parcels. Mr. Conard stated they are in the process of owning the road.

Chairperson Drummond stated she is not sure this is a necessity. Mr. Conard stated that the bathroom is wide enough for a 36-inch entry and for moving around. The same applies to the closet. He did say that there is a significant berm between the road and the window. Chairperson Drummond stated they could move things around to get a longer, thinner area to get into the closet. Chairperson Drummond stated if they removed the sunroom they could reduce some of the variance. Just because the client asked for it, that does not mean it is a requirement. She stated that a variance is given when there are no other options but there are several options still available for this property. Mr. Conard stated he respectfully disagrees. He does agree that there is an option to move it forward and incur the structural debt. Chairperson Drummond showed him where he could go out further to get a sunroom without needing a variance. Mr. Conard stated then they lose the aesthetic feel of the window and they do not have the view. Now they would be looking at an addition instead outside. Chairperson Drummond stated that happens a lot of the time.

Chairperson Drummond stated the house is in the setback, so it is a pre-existing nonconforming. Mr. Rickett stated this drawing is the first time that he has seen that.

Mr. Ahsan suggested going back to the applicant and working to see how they can minimize the request of the variance.

Mr. Conard stated the road will become a private road and then this will all be moot. Chairperson Drummond asked if a house on a private road still has to meet setbacks. Mr. Rickett stated that the same applicant owns all the parcels, but they are separate parcels. Attorney Cunningham stated that whatever the road divides a piece of property, the house across the other side of the road does not get included for calculations. Chairperson Drummond asked if the house on a private road could be built out to the property line. Attorney Cunningham stated he did not agree with that.

Chairperson Drummond stated they need to discuss the legality of private roads and setbacks. She suggested bringing the Board's comments back to the client to see what she would like to do. She believes there are plenty of options for the applicant.

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

## **ADJOURNMENT**

**MOTION** made by Aziz Ahsan, seconded Rocco Limitone, to adjourn the Zoning Board meeting at 9:03 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary