

Town of East Fishkill

ZONING BOARD OF APPEALS

June 25, 2024

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were Alberto Paratore, Art Mahony, and Norma Drummond. Aziz Ahsan arrived at 7:20. 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, July 23, 2024, and Tuesday, August 27, 2024.

MOTION made by Alberto Paratore, seconded by Art Mahony, to approve the minutes of the meeting held May 28, 2024, as amended. Voted and carried unanimously.

Chairperson Drummond stated the meeting is at the East Fishkill Community Center due to a conflict at the Town Hall as it was Primary Day. The meetings do get recorded and there is also a voice recorder at the podium for the minutes.

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. 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. 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.

Chairperson Drummond stated item number 3 and item number 7 are both being held over until the July meeting.

ADJOURNED PUBLIC HEARINGS:**ADJOURNED PUBLIC HEARING – Appeal 4103 – Gerard James (6357-02-529865)**

Gerard James, 22 Sunset Blvd., Hopewell Junction, requesting a 750sf size variance for a proposed 30'X40' (1200sf) detached garage, a 17' side yard and 20' front yard variance for an existing 210sf concrete patio, pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations. Footprint of existing house is 1,044 sf.

Gerard James was present.

MOTION made by Alberto Paratore, seconded by Art Mahony, to reconvene this Public Hearing. Voted and carried unanimously.

Chairperson Drummond stated this application was before the Board two months ago. At that time, the applicant was requesting a 30'x50' garage because there are a lot of people living at the residence and he has a lot of things to put in the garage. This included multiple adults, all with cars, and all the equipment in the shed that the applicant wants to take down. When the public had a chance to speak last month, one of the neighbors expressed concerns regarding the large size of the garage. The applicant had been asked to consider shrinking the size of it and he has come back with a proposal for a 30'x40' building. The applicant had supplied a number of photos showing screening with existing pine trees there. The neighbor did have valid concerns and also brought to the Board's attention that the structure that used to be a garage is now a residence, and it does not have the same siding. The applicant has stated that he will be making all the siding match soon. This new garage will match the main house. The applicant stated he wanted to apologize to the Board and Mr. Gilmore, his neighbor, as he thought Mr. Gilmore

had tried to stop him from doing the accessory unit, but Mr. Gilmore had only gone to the Town to question exactly what Mr. James was doing. Chairperson Drummond stated that everything is in order for the accessory unit, so that is not before the Board. The code allows for a detached garage to be 60% of the footprint of the house, or 750 sq ft, whichever is larger. In this case the footprint is smaller than the 750 sq ft. so they need the variance for the 450 sq ft to get to the 1200 sq ft that the applicant is asking for.

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 Alberto Paratore, seconded by Art Mahony, to close this Public Hearing. Voted and carried unanimously.

4103

APPLICANT: Gerard James

NAME OF PROJECT: A 450 s.f. size Variance from the requirements of Section 194-107 of the Town Code for a proposed 30'X40' (1,200 s.f.) detached garage and a 20' front line and 17' side line variance for a concrete pad

LOCATION: 22 Sunset Boulevard, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6357-02-529865

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Alberto Paratore

WHEREAS, the Applicant has various vehicles and machinery he wishes to store indoors in a tidy manner; and

WHEREAS, Section 194-107(C) of the Town Code reads, in part, that “[d]etached garages must be permanent and not a fabric-covered structure and may in no event exceed 750 square feet or 60% of the square footage of the footprint of the principal structure, whichever is greater in size and 1.5 stories or 25 feet in height”; and

WHEREAS, the footprint of the existing house is 1,044 s.f.; and

WHEREAS, therefore, 750 s.f. is the largest the detached garage could be without a Variance; and

WHEREAS, the Applicant has no neighbor behind his house; and has reduced the size of the garage after concerns raised by a neighbor down the street;

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 continued on June 25, 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 structures on the Property;

The Variance could be deemed substantial, but the applicant has multiple vehicles and equipment that would keep the property neater if they were in the 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 Gerard James for a

450 s.f. size Variance from the requirements of Section 194-107 of the Town Code for a proposed 30'X40' (1,200 s.f.) detached garage

and a 17' side yard and 20' front yard variance for an existing concrete pad

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 | Absent |
| Board Member Alberto Paratore | Aye |
| Board Member Art Mahony | Aye |
| Chairperson Norma Drummond | Aye |

PUBLIC HEARINGS:**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.

Brian Stokosa was present.

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

Chairperson Drummond stated this application was before the Board two months ago. There is a lot going on on this site, and a lot was done without any permission. The Board did state they would hear the applicant on this. The application was sent back to the Planning Board for site plan amendments. She asked where this application was with the Planning Board. Mr. Stokosa stated the Planning Board heard them out. It seems the general consensus is that there is a lot going on at the site. They did speak about the same things that were brought up by this Board. The main concern was how to work with the parking space in the front as it relates to the air station. As part of their submission to the Planning Board they took into account what was brought up by this Board and they came up with signage to limit the parking in front of the air station and the vacuum station. There is a time limit of a few minutes for parking. There will still be parking in the back for employees and there is employee parking off-site as well. The other points were some protection for the dumpster and refuse enclosure by providing some bollards to make sure that the dumpster and propane cage are safe. Chairperson Drummond asked if there was a revised site plan. Mr. Stokosa stated the Planning Board meeting was two weeks ago and the submission deadlines overlap, so everything they discussed at that meeting will be incorporated into the

overall site plan. Chairperson Drummond asked if the Planning Board has circulated and if they wish to be lead agency. Clerk Keenan stated they did.

MOTION made by Alberto Paratore, seconded by Art Mahony, to allow the Planning Board to serve as Lead Agency for the review of the site plan amendment and to cover the environmental review related to the appeal before the Zoning Board. Voted and carried unanimously.

Chairperson Drummond verified with Attorney Cunningham that the Planning Board would conduct a Public Hearing. Attorney Cunningham said yes.

Chairperson Drummond stated from an administrative perspective they are going to defer to the Planning Board. At this point, the Zoning Board is just starting a Public Hearing and listening for comments. Mr. Stokosa stated that the site plan changes are signage for the parking space in front of the vacuum and air station and protection for the propane and refuse containers. Chairperson Drummond stated she does have a neighbor letter that raises concerns regarding some of the things they have just discussed.

Chairperson Drummond read a letter from Alfred Cardinale at 8 Lake Drive. He is the immediate neighbor behind the station. He is concerned about the location of the propane cage. He does not want it close to his property. He is requesting metal posts around the cage for added protection. Chairperson Drummond stated no one wants to see an explosion with the propane tanks, so if they are doing bollards anywhere, they need to be here. She asked how the issue of people parking on the street was going to be addressed. Mr. Stokosa stated that part of the site plan process is that they do not allow parking and have “no parking signs” along Lake Drive. They do not work well but that is what they were directed to do by the Planning Board. He knows that the applicant does ask people not to park along Lake Drive. They will entertain any other option that the Board would like them to do but as far as enforcement, it is beyond what the applicant can do. Chairperson Drummond stated this is a tricky one because technically site plan amendments are subject of the Planning Board, but each of these amendments that they are asking for requires approval from the Zoning Board because they do not meet the requirements of the code. They are trying to fit 10 pounds into a 5-pound box.

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.

Bob Falcone lives at 47 McKeown Terrace. He has been there for 35 years and has seen a lot of changes. He stated there are accidents at that corner almost every week. There is a fire hydrant on the corner near the back of the property. There is a big garbage dumpster. They do not take care of the property. They do not mow the lawn by the dumpster. It is a bad looking site to begin with. He does not understand the need for a vacuum cleaner station. It is there and his grandchildren walk on the road because there is no sidewalk. He is afraid someone will get killed. The cars do not pay attention to the signs. He asked if people could come in all night long and vacuum their cars. He asked what the hours for that would be. Chairperson Drummond asked if there was a specific item that Mr. Falcone was most concerned about or if it was just the entire site. Mr. Falcone stated there is already an air pump there and Chairperson Drummond explained they want to move it because it is not being used the right way where it is. They want to put it in a place where it will be correctly functional.

Mr. Ahsan arrived.

Mr. Falcone stated there are only so many feet on the site. Mr. Stokosa stated he will address the concerns as part of his next submission to the Board.

MOTION made by Aziz Ahsan, seconded by Alberto Paratore, to adjourn this Public Hearing until the August 27 meeting. Voted and carried unanimously.

PUBLIC HEARING – 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

Chairperson Drummond stated this application was not being heard tonight at the request of the applicant.

PUBLIC HEARING – 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 Clark was present.

MOTION made by Alberto Paratore, 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 home in the Hopewell Glen development where comparably the size of the home to the size of the lot, almost everybody has a lot coverage issue. That was not originally evaluated the site plan approval for this development. The applicant has done improvements to the lots which has probably improved the value and the aesthetics of the property and are better for the neighbors in terms of what they see. Because of the inground pool and patio it does mean that there is additional impervious surface. The house itself put her over the limit of the 12%.

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 Art Mahony, to close this Public Hearing. Voted and carried unanimously.

APPEAL NUMBER: 4106

APPLICANT: Diedrian Clarke

NAME OF PROJECT: A 15% lot coverage Variance from the Requirements of the Schedule of Bulk Regulations

LOCATION: 22 Pitcher Rd., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6457-01-093682

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Property is located in Hopewell Glen, where the lots were approved to be smaller because of the infrastructure being built with the development; and

WHEREAS, 12% lot coverage is permitted; and

WHEREAS, the Applicant's house exceeded the 12% lot coverage and has added an in-ground pool, deck and patio for a total of 27% lot coverage, which necessitated this Variance request; 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 June 19, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on June 25, 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 size of the Property;

The Variance may be considered substantial, but the improvements improve the aesthetic appeal and usability of the Property;

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 Diedrian Clarke for a 15% lot coverage Variance from the requirements of the Schedule of Bulk Regulations.

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	Absent
Board Member Alberto Paratore	Aye
Board Member Art Mahony	Aye
Chairperson Norma Drummond	Aye

PUBLIC HEARING - Appeal 4107 – Michael Negulic (6456-04-898001)

Michael Negulic, 134 Townsend Rd., Hopewell Junction, requesting a 528 sf 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.

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. They have determined that the upstairs is going to be 633 square feet and downstairs will be 768 square feet for a total of 1401 square feet. It is not a full second floor. Mr. Negulic stated they have a lot of space downstairs, but he moved from a 5000 square foot house to a much smaller house, and he does not have the storage.

Chairperson Drummond stated the second floor will be for storage only. There will be no living space. The house has a garage, but the applicant stated he has five cars at another house that he wants to bring here. The garage will block the neighbor's view of his rear yard to give them additional privacy as he plans to install a pool within the next two years. It may or may not need an additional variance for that.

Chairperson Drummond asked if there would be a full set of stairs going to the second story or if it is pulldown attic stairs. Mr. Negulic stated there are stairs on the side that will go up on the inside. It is a full set of stairs. It is under 25 feet. The actual top is 24 feet 7 1/2 inches. Chairperson Drummond stated they just need to be sure that it is not being used for residential space.

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.

Doug and Sandy Murray are the neighbors. He feels this is too big for the size of the lot. He stated it will look terrible and reduce his property value. He stated it is 50 square feet less than the size of the house on the property. He stated there is not a lot of property from the back to the front of the house. He stated he believes the lot is approximately 1 acre. Mr. Ahsan stated it is 2.45 acres according to the map. He

stated they are looking for the variance because they are near the property line. If they moved into a different location, they would be within the footprint that is allowed. Mr. Negulic stated he took down the original pool because it was ugly and the deck was trashed, so he got a permit to demolish the deck and the pool because he did not want to put money into the above ground pool. He wants to install an inground pool. The survey is from before he took out the pool. Mr. Ahsan stated that whoever put the garage on the survey did not sign or make a notation that the survey was updated. Mr. Negulic stated he would like to put an inground pool in within the next two years in the same location if possible. The person who did the plans stated that if the garage was under 768 square feet, he would not need to come for a variance. She did not understand that the second floor counted toward square footage. Chairperson Drummond stated there is a garage under the house and she asked how many bays and the applicant said two. She stated that 24'x24' is a typical two-car garage. 24'x30' is like they are just doing a little bit deeper for a little bit more storage space. Chairperson Drummond asked if the height of the garage was Mr. Murray's concern. She stated that there is a vinyl fence between the two homes, and she asked how tall it was. Mr. Murray stated it is 6 feet tall. It is 2 feet off the line. She asked if there was any vegetation between the homes. Mr. Murray stated he has trees on his side. She stated that Mr. Murray's house is forward of Mr. Negulic's house so this garage will be visible from Mr. Murray's backyard. Mr. Murray stated he is concerned about the aesthetics of a building that big. He stated the square footage is almost equal to the living space of the house and chairperson Drummond stated his first floor alone is 1450 square feet. His house with the second floor is 2900 square feet. The garage is only 1400. He is not asking for an overly large two-car garage. Chairperson Drummond asked if the applicant had any elevations. She asked if it was going to be a flat roof line or if it was going to have an arch in the front. Mr. Negulic stated he had a stock photo. Mr. Murphy stated his only other concern would be the distance from his property line. He stated the garage will match the color of his house. Mrs. Murphy stated her concern is that when she is in the kitchen cooking, she could look out her window and see green. She does understand privacy is an issue, but she is concerned about looking out and seeing just a building. Chairperson Drummond stated having the structure there will give them more privacy as well and shields the use of the pool from them. It appears from the elevation that from their side they will see more of a roof line as opposed to the front of it with the eave. Chairperson Drummond asked if they were less concerned now that they have seen a stock photo of it and Mr. Murray said yes. Mr. Ahsan asked if they were looking for some sort of vegetation to be put between the two properties as there are 25 feet of space. Chairperson Drummond stated there are 25 feet from the front corner of the garage to the neighbor's property line. They could put up pine trees as they grow fast but they are messy. Mr. Murray said nobody wants those. He stated they appreciate being heard.

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

MOTION made by Aziz Ahsan, seconded by Art Mahony, to close this Public Hearing. Voted and carried unanimously.

APPEAL NUMBER: 4107

APPLICANT: Michael Negulic

NAME OF PROJECT: A 528s.f. size Variance request from Section 194-107 of the Zoning Ordinance and Schedule of Bulk Regulations for a proposed 24'X30'(1,401 s.f.) 2 story detached garage

LOCATION: 134 Townsend Rd., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6456-04-898001

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Art Mahony

WHEREAS, Section 194-107(C) of the Zoning Ordinance states, in part, that: "Detached garages must be permanent and not a fabric-covered structure and may in no event exceed 750 square feet or 60% of the square footage of the footprint of the principal structure, whichever is greater in size and 1.5 stories or 25 feet in height"; and

WHEREAS, the footprint of the existing house is 1,456 s.f., so the maximum permitted size of a detached garage without a variance would be 873 s.f., which is 60% of 1,456 s.f.; and

WHEREAS, the proposed structure would not contain heating capabilities, and the siding of the detached garage would match the siding of the principal structure; and

WHEREAS, the Applicant agreed to provide screening; and

WHEREAS, the proposed accessory garage would only be for storage and would not contain living space; 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 June 19, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on June 25, 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 of additional storage at the Property cannot be achieved by some other means;

The Variance could be deemed 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 by Michael Negulic for a 528 s.f. size Variance request from Section 194-107 of the Zoning Ordinance and Schedule of Bulk Regulations for a proposed 24'X30'(1,401s.f.) 2 story 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 | Absent |
| Board Member Alberto Paratore | Aye |
| Board Member Art Mahony | Aye |
| Chairperson Norma Drummond | Aye |

REVIEWS:

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 last month the Board started working with the applicant on this application. He took the variance that they granted for the house next door for the deck and garage and proceeded to bring the whole house forward to make this house bigger. The Board told him to reconsider that. She understands he has now supplied new plans. Mr. Angoletti stated it was not his intention to take the prior application's variance to make it the building envelope. He was not in the beginning of that application, so he just used that footprint size for his brother-in-law's house when he started working on this house. His brother-in-law's overall dimension is 31'4". He spoke to the architect, and they did crunch it down to fit even further into that envelope and it is now 30'6". He did provide an elevation of what the house was going to look like. He does have a photo of the house that is across the street that would give them a slab on grade that will give them the aesthetic look of what this proposed house will look like. Chairperson Drummond asked how many bedrooms the house next door was, and Mr. Angoletti said four. Chairperson Drummond asked how big this house was and Mr. Angoletti said a three bedroom. He stated they offer the same style house as his brother-in-law's to these clients and they requested no front porch and would rather have a slab on grade. He figured since it was a little bigger lot size and did not realize the variances for the other house, that this would not be a problem.

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 July 23, 2024, meeting. Voted and carried unanimously.

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. (Applicant asked for July Review)

Chairperson Drummond stated this application is not being heard this evening.

REVIEW - Appeal 4110 – Sachin Sekhri (6458-03-259033)

Sachin Sekhri, 39 Shepards Way, Hopewell Junction, requesting a 15' rear line variance for a proposed gazebo pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations.

Sachin Sekhri was present.

Mr. Sekhri stated a few years ago they put in a pool and patio. It is all fenced in. In the spirit of making it more enjoyable they would like to put in a covered gazebo with a kitchen and some electricity and a sink. When he did the paperwork for a building permit it was discovered that there needs to be a 50-foot backyard buffer from the neighbor on the back and they do not have that buffer.

Chairperson Drummond asked what is behind this applicant's property. Mr. Sekhri stated there is a huge elevation right behind his house and to the right. The neighbors to the right will not be affected at all and to the left, it will not affect those neighbors either. Mr. Rickett stated the back neighbor has a 14-acre parcel that is very narrow, and his driveway goes all the way to Route 376. Chairperson Drummond asked if the back neighbor could see what is being proposed. Mr. Sekhri stated he highly doubts it. He also stated he has already spoken to the neighbors to the left and the right and they do not have any issues with this.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan asked if the jungle gym was a fixed structure. It is in the front yard. Mr. Sekhri stated his front yard does slope terribly towards the front. The area where the jungle gym is is the only area where his children can play. Attorney Cunningham stated they could just advertise for the variance for that to be in the front yard at the same time. It does not mean that it has to be moved. Chairperson Drummond stated there is a significant tree line there.

MOTION made by Aziz Ahsan, seconded by Art Mahony, to advertise and set this for Public Hearing for the July 23, 2024 meeting. Voted and carried unanimously.

REVIEW - Appeal 4111 – Brian Cotcamp (6457-02-981927) Brian Cotcamp, 15 Carpenter Rd., Hopewell Junction, requesting a front yard variance for a proposed 12'X16' (192sf) shed pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations.

Brian Cotcamp was present.

Chairperson Drummond asked if Mr. Cotcamp cut down a lot of trees last year and he said yes. They were dead Ash trees that were ready to fall down. Chairperson Drummond stated the applicant is proposing to put a shed on his property. Because of the depth of his house, it cannot be seen from the roadway. There is a creek behind the house. Mr. Cotcamp stated if he put it behind his front line then the neighbor on the left would be able to see it. It would be more impactful if it were complying with code.

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

Mr. Ahsan asked if the inground pool had all of the required variances. Mr. Rickett said yes.

Chairperson Drummond stated there is a note on the paperwork pointing out a fall protection issue. Mr. Cotcamp stated that he has a deck that is being built and French doors leading to it. The building inspector was unaware that he had doveled it on the inside and screwed it in so that you could not open the door. Mr. Rickett stated if the pool does not meet current code because it was built before the code change they should advertise for that as well. Attorney Cunningham said that it already had the CC.

Chairperson Drummond stated there is also a note from Mr. Rickett regarding other options on sites. Mr. Rickett stated, like the applicant had said, if they put it somewhere else it will be more impactful.

MOTION made by Aziz Ahsan, seconded by Art Mahony, to advertise and set this for Public Hearing for the July 23, 2024, meeting. Voted and carried unanimously

REVIEW - Appeal 4112 – Michael Molinelli (6558-04-901452)

Michael Molinelli, 8 Sunflower Ct., Hopewell Junction, requesting a 13' sideline variance for a proposed 28'x28' (784sf) 1.5 story detached garage pursuant to the Schedule of Bulk Regulations.

Michael Molinelli was present.

Chairperson Drummond stated what they are proposing is too close to the property line, which is why they are here. The applicant stated that the proposed location is on the side of the property with the driveway. They felt that it would match the existing house by driving straight to the driveway to the

garage. There is a gas line in the back that goes from the house to the pool equipment. There is also the pool and the shed in the back. This was the only place to put the garage. The pool did not make it onto the survey, but they did pick up the fencing around it. It is in the middle of the yard and has a CC.

Chairperson Drummond stated a typical garage is 24'x24' and they are proposing 28' x 28' for a little bit of storage. The applicant stated that size falls within the square footage allowed with the primary residence size. There will be a half story up top for storage only. There will be pull-down stairs going up with attic trusses so it will just be an 8' x 8' area for storage only. Chairperson Drummond asked if it would be living space or heat and the applicant said no to both.

Chairperson Drummond asked how close the neighbor was to the side of the yard and if they had talked to them yet. Mr. Molinelli stated it is their rear yard as they are a corner lot. There is a natural buffer there as well. He never sees them, so he has not spoken to them yet. There is a lot of green trees between the two.

Chairperson Drummond asked if it would match the existing house and Mr. Molinelli said yes. The siding and roofing will match.

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 July 23, 2024, meeting. Voted and carried unanimously.

Mr. Rickett stated there are three sheds on the property that need to be addressed. Mr. Molinelli stated one will be coming down. One will be relocated, and one will be staying where it is. Mr. Rickett stated they will need to permit one of them.

REVIEW - Appeal 4113 – Lorraine Messina (6457-02-635783)

Lorraine Messina, 8 Angela Ct., Hopewell Junction, requesting a front yard and 1' side yard variance for an existing 6' fence pursuant to Section 194-98 of the Zoning Ordinance.

Lorraine & Mr. Messina were present.

Chairperson Drummond asked if the fence was installed and is one foot closer than it should be. Mr. Messina stated they purchased this house in March. They put in a permit for an interior 5-foot fence for the dog. When the inspector came out to look at it, he noticed that the vinyl fences that have been there since 2000 are not in the right place. The left side is on the property line, and the right side is 1 foot in. They are 6-foot vinyl fences and have been there for 24 years. He did question his attorney on it during the closing, and his attorney said to worry about it at a later date. He would like to get the variance for it because it does offer privacy. Chairperson Drummond asked what condition it was in as it was put up so long ago. Mr. Messina stated they had it power washed. Mr. Rickett stated it is good. Mr. Messina stated he spoke to the neighbor on the left who has no issue with it. The family on the other side were having some issues that he did not want to disturb them with this.

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 July 23, 2024, meeting. Voted and carried unanimously

REVIEW - Appeal 4114 – Steven Reineke and Eric Gabbard (6755-03-237397)

Steven Reineke and Eric Gabbard, 94 Milltown Rd. Holmes, requesting a 22' side yard variance for an existing hot tub pursuant to Section 194-95 of the Zoning Ordinance and the Schedule of Bulk Regulations.

Steven Reineke was present.

Chairperson Drummond asked who installed the hot tub and Mr. Reineke stated they did. They put it in without knowing what they needed to do. Chairperson Drummond read on the paperwork that it is very far from the neighbors and hidden by heavily wooded areas. She asked how long it had been in. The applicant stated it has been there for four or five years. Chairperson Drummond asked if anyone has objected to it and Mr. Reineke said no. He stated they did not know they needed a permit for it until they got a new boiler this spring, and realized they needed a permit for the boiler.

Mr. Ahsan asked about the pool house. Mr. Reineke stated that was built prior to permit requirements. Mr. Rickett stated the pool house is pre-existing. Chairperson Drummond stated they should just clean it up.

Mr. Ahsan stated there is a shed on the site. Mr. Reineke stated one of the sheds is used as a woodpile. Mr. Rickett stated it is a lean-to structure so that one should not be counted. He did supply pictures of it as well. There is a barbecue shown on the map, but it is just a concrete pad out by the driveway, so it is fine. Chairperson Drummond stated the property is six and half acres. She asked what is going on with the rest of the property. Mr. Reineke stated it is heavily wooded. He stated there is more than 3 acres of land he has never stepped foot on because he did not realize their property went beyond a rock wall. It is all wooded.

Mr. Ahsan asked what the flagstone was, and Mr. Rickett stated it was a little patio. Mr. Rickett stated they need to clean up the shed in the front, but the applicant is not the one who put it there. It was there when they bought the property.

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

MOTION made by Aziz Ahsan, seconded by Art Mahony, to advertise and set this for Public Hearing for the July 23, 2024 meeting. Voted and carried unanimously

REVIEW - Appeal 4115 – Jorge Pacheco (6456-01-480881)

Jorge Pacheco, 71 Van Vlack Rd. Hopewell Junction, requesting a 13’ side yard variance for an existing chicken coop, 18’ rear yard variance for an existing greenhouse and a 20’ rear yard variance for an existing pergola pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations.

Jorge Pacheco was present.

Chairperson Drummond asked why there was so much going on with this property and if these were all things that the applicant has put up. Mr. Pacheco stated the greenhouse was there when he purchased the house. He believes it was there since 1976. The pergola is something that he wanted to grow grapes on.

And the chicken coop next to his garage and just has a little cover so the animals do not take their chickens. He did not know he needed permits for these things. Chairperson Drummond asked how much property he has, and he stated 1 acre. Chairperson Drummond asked how big the pergola was and he stated he could touch both sides of it.

Mr. Ahsan asked about bridges. Chairperson Drummond asked where they go to. Mr. Rickett stated he has not been out there to see. Chairperson Drummond stated the applicant survey identifies two bridges. Mr. Pacheco stated there is wet land back there so something was built to drain the water like a trench and the bridges are so that he can walk and not get wet. Chairperson Drummond asked who put the bridges in and he said he did. Chairperson Drummond asked if this was the DEC wetland. Mr. Rickett stated it is in the floodplain, but he is not in the wetlands. Chairperson Drummond asked if the grapevine pergola was in the floodplain as well and Mr. Rickett said yes. It starts in the front of the garage and goes all the way to the back. Mr. Rickett stated that the garage may have been built before it was in the floodplain. Mr. Rickett said Ms. Robbins stated she would look at it so he can go with her either Thursday or Friday. Chairperson Drummond stated they need to address why there are bridges in a floodplain. Mr. Pacheco stated the trees fell down by his house and he didn't know what to do with the wood, so he just did something with it, and he built bridges. Chairperson Drummond asked if bridges are considered structures. She feels it is a structure because it requires the ground. Attorney Cunningham stated they could look at the definitions. Mr. Ahsan asked that Mr. Rickett and Ms. Robbins bring back pictures, so they know exactly what they need to advertise for. They do not want to advertise and miss something. The survey is from April 2024. Attorney Cunningham stated they could advertise and stated that they need variances for footbridges as well. If they end up not needing them it is fine. They just need to address the setbacks for them. Mr. Pacheco stated there are two bridges. One is in the corner of the property, and one is behind the garage. Chairperson Drummond asked why he needs the second bridge. Mr. Pacheco stated he likes to run in his yard and with the bridges he can go corner to corner to get to the flower garden. Chairperson Drummond stated it appears if he goes over the other bridge he is going on someone else's property. Mr. Pacheco stated he does not go off of his property. Attorney Cunningham stated it is just a setback issue. Chairperson Drummond stated both would need setbacks. Mr. Ahsan asked if the person who did the survey may have the measurements of the bridges and their locations. Chairperson Drummond stated that it should be on the map Mr. Pacheco stated one is on the property line in the corner and the other is probably 4 feet away. Chairperson Drummond stated they need to the measurements and the surveyor should be able to put them on the survey. It should not cost

the applicant anything to do that. Chairperson Drummond expressed concern over setting a precedent of allowing bridges on people's property and allowing things in the floodplains without permits.

Chairperson Drummond asked if the Board was comfortable moving forward with this. Mr. Ahsan stated that the applicant will be providing a new survey, and they will have the measurements. If they advertise they can deny it or have a partial approval. Chairperson Drummond stated she does not want to start the process with him thinking that they're going to move forward if there are concerns. Mr. Ahsan stated he is bringing three issues to the Board already. Now they are adding two more issues. They can discuss the three issues. Chairperson Drummond stated the Building Department has to evaluate this for a Floodplain Development Permit. Mr. Rickett said yes. She asked what they would be looking at. Mr. Rickett stated Mr. Witt would be concerned about making sure that they can be anchored. Chairperson Drummond stated she would like Rick to take a look at this before they move forward. Mr. Pacheco stated that Mr. Witt told him to anchor everything down, so he did. Mr. Rickett stated that the pergola has concrete that goes into the ground on two corners. Mr. Pacheco stated the greenhouse has concrete on all four corners that goes down into the ground. Mr. Rickett stated everything else is anchored. He has anchored the chicken coop and the pergola. He is unsure if Rick went out to the site. Chairperson Drummond stated as long as Mr. Witt has looked at this and offered his comments, she is comfortable moving forward, assuming the applicant can provide the measurements. Mr. Pacheco stated if he has to take them down because they are not allowed that he will. He asked if he needed to be there when Mr. Rickett was there and Mr. Rickett said no. He would like to be there in case there are any suggestions for doing something different or better. Attorney Cunningham stated he could always contact the office later to go over what they saw. Mr. Rickett stated his sole purpose is to go out and take pictures to show the Zoning Board exactly what is out there. Mr. Ahsan asked if the bridges had railings and Mr. Pacheco said yes. They look rustic and pretty and it gives them a place to run around and the dogs to run around without getting wet. Underneath the bridges is a collection of water. Chairperson Drummond asked if the water was there all year round and Mr. Pacheco said yes. He stated the trench is approximately 4 feet wide. Chairperson Drummond asked if it was a swale or a drainage trench. Mr. Pacheco stated it is a drainage trench. This is not a stream. There is no running water. Mr. Rickett asked if it goes through the backyard and Mr. Pacheco said yes. Mr. Ahsan asked if the trench was on the neighbor's property. Mr. Pacheco said it does continue to go that way, but he does not clean their side. It also goes way back. Chairperson Drummond stated you want to direct the water into a floodplain.

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

MOTION made by Aziz Ahsan, seconded by Art Mahony, to advertise and set this for Public Hearing for the July 23, 2024 meeting for five items. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Art Mahony, to adjourn the Zoning Board meeting at 8:26 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary