

Town of East Fishkill

ZONING BOARD OF APPEALS

July 23, 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, August 27, 2024, and Tuesday, September 24, 2024.

MOTION made by Aziz Ahsan, seconded by Alberto Paratore, to approve the minutes of the meeting held June 25, 2024, as amended. Voted and carried unanimously.

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 1 and item number 10 are both being held over until the August meeting.

ADJOURNED PUBLIC HEARINGS:

ADJOURNED 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

No one was present.

This is being held over until August 27, 2024, as the Planning Board has to take action.

PUBLIC HEARINGS:

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

Frederick Romig was present.

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

Attorney Cunningham stated that Judge Romig is a judge in Town and, like any other resident, he has the ability to have an application before the Zoning Board of Appeals as anyone else.

Chairperson Drummond stated this application was before the Board two months ago. This is a 7-acre lot on Route 52. It is all wooded behind his residence. He is looking to operate a law office on the second floor of his three-bay garage. Right now it is second floor storage. She stated at most there would be two additional cars in his driveway for one employee and one client at a time. There is plenty of room for parking. Judge Romig stated in a few more months there will be no employees. He is planning on retiring. Chairperson Drummond stated this is an existing structure and there is a lot of coverage for the neighbor.

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.

Robert Rumpf stated his property is adjacent. It has been in his family since 1947. It is 13 1/2 acres. He stated the people that lived there before Mr. Romig had 13 acres and at that time the Town did not allow flagpole lots. For years that neighbor tried to get approval for a subdivision for him and his son and he eventually did. They did give it to him with deed restrictions. It had to be for only one family or with people within that family because there is only one driveway that crosses the stream there. Both Mr. Rumpf and this property have stream crossings. He does not know how the deed restrictions were removed but they were. Now according to the tax maps, Mr. Paterno does not have a driveway. It is a shared driveway with Mr. Romig. He does not know of any other case in town where that is allowed. Chairperson Drummond stated shared driveways are allowed. Mr. Rumpf stated he is not here to go against this application, as he believes Route 52 should have been made commercial as most properties along there have had small businesses running out of them. He stated if that is allowed, is he on equal grounds to do the same thing with his property. Chairperson Drummond stated they cannot speak to what he wants to do with his property. Mr. Rumpf stated he is a professional engineer who has 13 1/2 acres of property as well. He may want to subdivide it without putting in other water crossings, as that is the most expensive thing. The last time he replaced his in 2021, it cost him more than \$50,000 and he had to get approval from the Army Corps of Engineers and the DEC. He had to write an environmental impact statement as well. Mr. Rumpf stated that Mr. Romig's property with the shared driveway causes flooding every time there is a major storm. It backs up onto his driveway. When Mr. Romig's culvert rotted out, he believes it was replaced it with a smaller culvert and Mr. Romig raised the front of the

driveway by 1 1/2 to 2 feet and paved it. That is an improvement to his land, but it caused a giant dam. The rock wall that is behind it he rebuilt, which contributes to it. The water used to be able to flow over it and now that he rebuilt it, it cannot. The stone wall actually protrudes onto the state right-of-way of Route 52. Four weeks after the rain has stopped the water is trapped on Mr. Rumpf's yard and cannot go out because of Mr. Romig's driveway. He feels the driveway needs to be improved and he has talked to Mr. Romig about it several times. He does acknowledge it is an issue, but he never fixes it. Mr. Rumpf stated he talked with Mr. Romig in 2021 when he replaced his driveway, and at least five times since then it has overflowed his driveway. He supplied photos and can give the Board dates for when it happened. The floodwater will stay there for 10 to 15 days before it goes down. He feels the culvert is not looking in good condition on Mr. Romig's property. He stated when he replaced his he was required to verify that ambulances and fire trucks would be able to cross over it. He does not know if Mr. Romig's crossing is acceptable for that. He feels that before any expansion is done this should be addressed. He stated there are five or six garages on the property already. He would like to know if there is going to be a bathroom in that office. If it does, then they need to review the septic system. And if this is allowed on the Town Judge's property, then it must be allowed for his property as well. By subdividing and adding an office he should be able to increase his property value by at least \$200,000.00. Attorney Cunningham stated there is no subdivision proposed on this application. Mr. Rumpf would be able to apply under Section 194 – 90 of the Town Code for Special Permit for a professional office as well. Chairperson Drummond stated you are allowed to have a shared driveway with three lots on it.

Chairperson Drummond asked Judge Romig if the driveway is passable when the flooding occurs. Mr. Rumpf did supply photos that showed significant flooding. Judge Romig stated it would not be a good idea to drive through it when it gets like that. He stated there used to be a dam up on top of the mountain that had a retention pond that would control the water somewhat. Now it floods more regularly. He stated in regard to the stone wall it was rebuilt from the existing stone. He stated in regard to putting a smaller culvert in, that is simply untrue. The culvert that is in there has been there for as long as he has owned the property. With regard to the bridge itself, the permit has been issued by the DEC to replace it. He is waiting for a contractor to do the work. Chairperson Drummond asked if it would be a correct assumption that when it is flooded like this, he would not have clients driving through the water to get to his services. Judge Romig stated no he would not. Chairperson Drummond asked if there would be bathroom facilities in this building. Judge Romig stated there were no bathrooms

ever built into the building and no intention to build them. If a client needs to use the facilities, they will go into his home.

Mr. Ahsan stated there is no ADA compliance for the second story office. Judge Romig stated there is plenty of room to meet with them downstairs on the first level. He stated this will be very low volume. He is trying to retire but has several clients that are not happy about that. He is somewhere in the middle of some projects and minor issues and he has agreed to stay on long enough to finish those things off.

Chairperson Drummond asked if there was anyone else with questions or comments. Mr. Ahsan asked Mr. Rumpf if all of his questions were answered, and Chairperson Drummond stated multiple questions were interrelated. Mr. Rumpf stated his main concern is his driveway being flooded and he has never been told that there will be someone coming out to fix it. He stated as long as the stream issue is being addressed and the driveway is legal, he has no questions and is in favor of commercializing all of Route 52 for small businesses. He stated he hopes Mr. Romig goes through all the rules and follows the Army Corps of Engineers for the restrictions for the bridge crossing.

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

APPEAL NUMBER: 4100

APPLICANT: Frederick Romig

NAME OF PROJECT: A Special Permit pursuant to Section 194-90 of the Town Code to allow a professional office in a residential district A 607 s.f. size variance from the requirements of Section 194-107 of the Town Code for a 1,478 s.f. existing detached garage

LOCATION: 2762 Route 52., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6556-01-289959

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant is an elected Town Justice, which was announced to the public at the Applicant's initial appearance before the ZBA at the May 28, 2024 meeting in conformance with the requirements of the General Municipal Law; and

WHEREAS, the Applicant has applied for a special permit to allow an accessory office in a residential zone in an existing detached garage; and

WHEREAS, the Property is approximately 6.0 acres in size; and

WHEREAS, Section 194-107(C) of the Town Code states, in part: "Detached garages. Detached garages are allowed by building permit only and shall meet all applicable bulk regulations of the district in which they are located and shall not be located in front of the front line of a house. 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 1,452 s.f.;

WHEREAS, 60% of the size of the footprint is 871 s.f., which necessitated a Variance of 607 s.f. for the pre-existing detached garage; 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 July 17, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on July 23, 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 and there will be no change to the size of any existing structures;

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

The Variance could be deemed substantial, but this factor is mitigated by the large size 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 Frederick Romig for: (i) a Special Permit pursuant to Section 194-90 of the Zoning Ordinance to allow a professional office in a residential district; and (ii) a 607 s.f. size Variance from the requirements of Section 194-107 for a 1,478 s.f. existing 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 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.

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

Chairperson Drummond stated they have seen this application a few times. Mr. Angoletti came in at the tail end after multiple visits with the property next door, which was also an undersized lot. This property is a little bigger. With the prior property, after the structure was delivered, they did have to give multiple variances. Namely one of them was to allow 7 feet additional in the front for a front porch. The clients who want to purchase the parcel are not interested in having a front porch but were looking to have the house increased by that 7 feet. Chairperson Drummond stated they did discuss that just because they gave a 7-foot variance for the porch does not mean that this applicant would automatically get it. The applicant did work with the Board and adjusted the size of the house. This will be a three-bedroom house. They have made adjustments back and at this point they are ready to move forward with this application. Mr. Angoletti stated they did scale it down to meet the building envelope as well as the aesthetics of the neighborhood. Chairperson Drummond stated because this is the Public Hearing an important thing to note is that the property behind this property is a commercial property, so this is not

impacting another residential neighborhood. These lots are undersized, thin, and narrow so it does limit what can be built on these lots.

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

Mr. Ahsan stated he was fine as long as this is the only variance required for this parcel. Mr. Angoletti stated they would not see him again for this lot.

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: 4105

APPLICANT: Raap Management LLC (Ryan Angoletti)

NAME OF PROJECT: (i) A lot size Variance of approximately 0.08 acres from the Schedule of Bulk Regulations and Section 194-130 of the Town Code to build a house in an R-1 Zone;
(ii) a 7' front line Variance from the Schedule of Bulk Regulations for a proposed dwelling (the "Variances")

LOCATION: 11 Birch Dr., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6356-04-584216

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Alberto Paratore

WHEREAS, the Applicant proposes to build a dwelling on a vacant residential lot; and

WHEREAS, the Property consists of a lot totaling approximately 0.922 acres in size, which is slightly undersized for an R-1 Zone; and

WHEREAS, the Applicant worked to decrease the size of the house after its initial meeting with the ZBA; and

WHEREAS, the rear of the property abuts a commercial use; 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 July 17, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on July 23, 2024; and

WHEREAS, the Zoning Board of Appeals finds that:

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

The desired result could be achieved by further decreasing the size of the house;

The Variances are not substantial;

The Variances will not have an adverse effect or impact on the physical or environmental conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request by Raap Management LLC (Ryan Angoletti) for (i) a lot size Variance of

approximately 0.08 acres from the Schedule of Bulk Regulations and Section 194-130 of the Town Code to build a house in an R-1 Zone; (ii) a 7' front line Variance from the Schedule of Bulk Regulations for a proposed dwelling.

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 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.

Belky Jimenez and Angel Chimbolems were 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. She is very familiar with Shepards Way. This house is way up the hill. You can see the front of the house but cannot see into the backyard. The other properties surrounding this parcel are not as high and the backyard will not be visible from those either. Behind the property is a property that has access off of Route 376 opposite where the entrance to Hopewell Glen is. It is a 14-acre property. There is significant screening, and she cannot believe that it will be impactful or visible to any neighbors.

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: 4110

APPLICANT: Sachin Sekhri

NAME OF PROJECT: (i) a 9’ rear line Variance from the Schedule of Bulk Regulations and Section 194-107 of the Town Code for a proposed gazebo; and (ii) a front yard Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107 of the Town Code for an existing jungle gym (the “Variances”)

LOCATION: 39 Shepards Way, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6458-03-259033

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the Property is approximately 1.7 acres; and

WHEREAS, the Applicant wishes to install a covered gazebo near the existing pool; and

WHEREAS, the neighboring properties are likely unable to see the location where the gazebo is proposed to be located; and

WHEREAS, the jungle gym is existing and is screened by a tree 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 July 17, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on July 23, 2024; and

WHEREAS, the Zoning Board of Appeals finds that:

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

The desired result could not be achieved by other means;

The Variances are not substantial given the size of the Property;

The Variances will not have an adverse effect or impact on the physical or environmental conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request by Sachin Sekhri for (i) a 9’ rear line Variance from the Schedule of Bulk Regulations and Section 194-107 of the Town Code for a proposed gazebo; and (ii) a front yard Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107 of the Town Code for an existing jungle gym.

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:

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| 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 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.

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. She stated this is a unique property in that if they put the shed where it is required by code, it will be more impactful to the neighbors. This is very wooded in the front and the house is set way back. They did discuss how a lot of the ash trees were removed because they were diseased or dead. There is a little bit more visibility in the front of the property, but it is set quite far back. This will also make the shed most usable, being in the front. There is also a creek in the back as well.

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: 4111

APPLICANT: Brian Cotcamp

NAME OF PROJECT: A front yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 12'X16' (192 s.f.) shed (the "Variance")

LOCATION: 15 Carpenter Rd., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6457-02-981927

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Art Mahony

WHEREAS, the Property is approximately 1.6 acres in size with significant front yard depth; and

WHEREAS, the house is barely visible from the road; and

WHEREAS, the proposed shed would be more impactful to neighbors if it was placed in a location that would comply with the Town Code; 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 July 17, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on July 23, 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 could be achieved by other means more impactful to the neighbors, so the proposed location is superior;

The Variance is not substantial given the size 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 Brian Cotcamp for a front yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 12’X16’ (192 s.f.) shed.

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

Resolution Seconded by Zoning Board Member Rocco Limitone

The votes were as follows:

Board Member Aziz Ahsan Aye

Board Member Rocco Limitone Aye

Board Member Alberto Paratore Aye

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

PUBLIC HEARING – Appeal 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.

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. There is a pool and the shed and a gas line in the rear yard that make it difficult to do anything there. The driveway is on the left side of the house, so that makes it the perfect location but there are actual structures that prohibited going where it would be required by code. There is a proposed half floor upstairs for storage only. There are pull-down stairs to get up there. There is lots of vegetation around it based on what the applicant told the Board last month. One shed needs a permit. Mr. Molinelli stated it would be getting moved.

Chairperson Drummond asked what the exterior would look like, and Mr. Molinelli stated it would look like the house. He did present an elevation for the Board to see.

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

Chairperson Drummond asked Mr. Rickett if he was dealing with the other issues like the A/C units. He stated there is a split A/C unit and Mr. Molinelli stated it is in the garage. He stated he would come in and get that taken care of.

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

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

APPEAL NUMBER: 4112

APPLICANT: Michael Molinelli

NAME OF PROJECT: A 13' side yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 28'x28' (784 s.f.) 1.5 story detached garage (the "Variance")

LOCATION: 8 Sunflower Ct., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6558-04-901452

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Alberto Paratore

WHEREAS, the Applicant is proposing a detached garage for extra storage; and

WHEREAS, there will be no additional living space; and

WHEREAS, the proposed garage will be architecturally similar to the primary dwelling and will be well-screened; 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 July 17, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on July 23, 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 could not be achieved by some other means given the layout of the Property;

The Variance is not substantial given that the garage will be largely screened;

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 Molinelli for a 13' side yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 28'x28' (784 s.f.) 1.5 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 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 4113 – Lorraine Messina (6457-02-635783)

Lorraine Messina, 8 Angela Ct., Hopewell Junction, requesting a 20’ front yard variance and a 2’ side yard variance for an existing 6’ fence pursuant to Section 194-98 of the Zoning Ordinance.

Lorraine & Mr. Messina were present.

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

Chairperson Drummond stated this application was before the Board last month. She stated the applicant purchased this house in March. The fence has been there since approximately 2000. She stated you are allowed to have 10 feet of your fence extending beyond the front of the house and the issue is that this fence goes further than that. They would like to be able to keep that because finding replacement pieces to match what is there will be very difficult. It is also not 2 feet in from the property line. It is 1 foot on one side and right on the property line on the other side. One neighbor did send a letter of support. The fence was not put up at any fault of this applicants and no one has complained about it.

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

Chairperson Drummond read a letter dated July 6, 2024, from William Ferris at 2 Angela Court in support of this application.

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

Attorney Cunningham stated as one side of the fence is directly on the property line the resolution needs to be corrected to read a 2-foot variance for the sideline to cover both.

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

APPEAL NUMBER: 4113

APPLICANT: Lorraine Messina

NAME OF PROJECT: A 20' front yard Variance and a 2' side yard Variance from the requirements of Section 194-98 of the Town Code for an existing 6' fence (the "Variances")

LOCATION: 8 Angela Ct., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6457-02-635783

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Alberto Paratore

WHEREAS, the Applicant purchased the Property in March 2024 with the existing fence; and

WHEREAS, the pre-existing fence was installed in 2000 and remains in very good condition; 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 July 17, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on July 23, 2024; and

WHEREAS, the Zoning Board of Appeals finds that:

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

The desired result could not be achieved by some other means given the fence is already existing;

The Variances are not substantial;

The Variances will not have an adverse effect or impact on the physical or environmental conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request by Lorraine Messina for a 20' front yard Variance and 2' side yard Variance from the requirements of Section 194-98 of the Town Code for an existing 6' fence.

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 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 Rieneke and Eric Gabbard were present.

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

Chairperson Drummond stated this application was before the Board last month. She stated that this the applicant installed the hot tub but did not install the shed. This is a 6 ½ acre lot that is very heavily wooded, so no one sees the shed. They have plenty of privacy up there.

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.

Attorney Cunningham stated there was a reference to the front yard variance in the decision and order so that will have to be added in.

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

APPEAL NUMBER: 4114

APPLICANT: Steven Reineke and Eric Gabbard

NAME OF PROJECT: A 22' side yard Variance and a front yard variance from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations for an existing hot tub and shed (the "Variance")

LOCATION: 94 Milltown Rd. Holmes (the "Property")

TAX MAP NUMBER: 6755-03-237397

ZONING DISTRICT: R-3

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the Property is approximately 6.2 acres in size, but the lot is relatively narrow; and

WHEREAS, the Applicants installed the hot tub four years ago, but recently determined that they needed a permit as part of a different project; and

WHEREAS, the hot tub is well-screened from the neighbors; 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 July 17, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on July 23, 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 could be achieved by some other means, but it is well-screened;

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 Steven Reineke and Eric Gabbard for a 22' side yard Variance and a front yard variance from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations for an existing hot tub and shed.

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

Resolution Seconded by Zoning Board Member 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 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.

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. She stated there is a lot going on with this lot. The greenhouse has been there since the 1970s. The applicant did not put that up, but he did put up a pergola with the intention to grow grapes there. He also added a chicken coop to

protect his chickens from other wildlife. The biggest issue is that the property has a flood plain coming into it. Some of these structures are in the flood plain. Rick Witt, from the Engineering Department, did review this and sent a memo this afternoon. The biggest question Chairperson Drummond has is that Rick references three bridges and the survey given to them tonight only has two bridges on it. Chairperson Drummond read the memo from Rick Witt into the record. It has outlined the flood plain, the buildings in the flood plains, constructed bridges, and the status of a pond on site. She asked the applicant if he brought fill into the site. He stated he brought in mulch chips as it gets very wet, so that allows him and the dogs to traverse the property without being in the mud. He stated the pond has been there since he moved in, but he cleans it out each year. Chairperson Drummond asked where the water comes from. Mr. Pacheco stated his garage used to flood so he dug a trench to direct the storm water there. There was already drainage in the garage, but he re-did it. Chairperson Drummond asked if he was an engineer, and he said no. She asked how long he had owned the property and he said since 2015. Chairperson Drummond stated one thing they need to be concerned about is if the flood plain does flood and the structures in it are not anchored properly, they can become dangerous and become weapons. Rick's comment is that they are anchored down. Mr. Pacheco stated he believes the third bridge is the area leading into the pergola because it is off of the ground some. Chairperson Drummond stated her biggest issue is the bridge that is on the property line. Mr. Pacheco stated if he needed to take that down, he would. It does not seem to go anywhere. Mr. Pacheco stated it is so that he can walk to that edge of the property. One bridge is three feet from the property line. Mr. Pacheco stated he made that bridge out of wood from a tree that fell in the yard years ago. Attorney Cunningham asked if that one bridge was removed, would it cause a condition that could cause the dogs to fall into the stream and Mr. Pacheco said yes. Chairperson Drummond stated the structures he built are all nice looking, but from an engineering and structural standpoint, she doesn't know if anyone has even reviewed these things. Mr. Rickett stated they have never issued permits on these types of structures. These are more substantial elements than they all thought they were at the last meeting. He stated the Town would consider these structures. Attorney Cunningham asked if Mr. Pacheco could get an engineer to evaluate the structures. Mr. Pacheco stated that would probably cost more than he is willing to spend. Attorney Cunningham stated the Board may be more willing to allow all the bridges to stay if he could prove they were structurally sound. Mr. Ahsan stated if a guest or the next homeowner gets injured or if the structures come loose and injure someone it becomes a problem. Even though these look good and are anchored, they do not know how strong it is. Mr. Rickett stated it would be considered accessory structures and all

structures need to be permitted. Asking how it is built would be part of the permit process. Things that are built without plans need to have an engineering letter describing how it is built and what its restrictions as far as weight and use would be. Chairperson Drummond stated these should have a Certificate of Completion for and Accessory Structure, someone has to sign off that it is structurally sound. All bridges that he wants to keep will need to be certified. Mr. Ahsan suggested that the applicant speak to his surveyor to see if they know an engineer who would be willing to come in and review the structures. Mr. Rickett stated they should just need a letter from an engineer. They don't need formal plans drawn up. Hopefully, that would not be too expensive. Mr. Limitone suggested having a local contractor come out and look at it. Mr. Rickett stated the letter would have to come from an engineer, but a contractor could guide him to see if it would pass first. Mr. Rickett stated he could discuss this further with the applicant during the day. Mr. Mahony stated the engineer would have to certify the way it is anchored as well. Mr. Rickett stated they are anchored the same way Mr. Witt told him to anchor the chicken coop. Mr. Mahony stated the bridge is only three feet from the sideline so if it stays, it will need an additional variance.

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

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn this Public Hearing to the August 27, 2024, meeting. Voted and carried unanimously.

REVIEWS:

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 August Review)

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

REVIEW - Appeal 4116 – Edrex Fontanilla & Chutrudee Somberg (6456-01-268872)

Edrex Fontanilla & Chutrudee Somberg, 46 Harrigan Rd., Hopewell Junction, requesting a 2' side yard variance for a proposed (600sf) deck pursuant to Section 194 and the Schedule of Bulk Regulations.

Annie Mennes was present.

Ms. Mennes stated they started working on this project about two and a half years ago. They have had some hurdles. They are proposing a side deck that the kitchen opens up to. The existing side yard is 25 feet and with the updated survey the corner is at 23 feet.

Chairperson Drummond stated this a house that no one has been living in for a while. Property maintenance has been a problem for years. She asked if that had been addressed. Ms. Mennes stated she has not been to the site in a while. Mr. Rickett stated as of July 5th it was still an issue. Ms. Mennes stated she would get them to mow. Chairperson Drummond stated if there are open violations on the property, this Board should not be dealing with an application. Ms. Mennes stated she was not aware there were violations, and she will have them cleared up. Mr. Rickett can get her copies. There are some violations going back to 2019. They are for multiple issues including mowing/maintenance, rotting wood, and the condition of the exterior of the build. Ms. Mennes stated they are planning on doing a significant architectural renovation that will hopefully greatly improve the look of the site. Chairperson Drummond asked if the house was not livable as it is. Ms. Mennes stated she would call it an architectural makeover. The owners love the site and the house, and they see potential in it. They will be keeping the footprint of the house but renovating it top to bottom. They will be changing the look of it. Chairperson Drummond stated there are no measurements on the drawing the Board has. She stated the addition doesn't look very large, but she asked why the deck needed to be so large. She said if they reduce the size of the deck, they could eliminate that variance. Ms. Mennes showed the Board the exterior elevations. It was the suggestion of the Building Inspector that there was a side yard. The client wants a large deck so they can come out of the kitchen and sit there. They have it at 11 ½ feet shown with a small rear deck. There is a bump out from the small addition. The side yard deck will be the most used. She would like a garden there with a sitting area. There is a little creek over there and once it is

mowed it will be a very pleasant area. This request hinges on the architectural plans and the use of the property. Since they have been working on this for two and a half year and it was Mr. Witt's suggestion to move forward with asking for this. Chairperson Drummond stated they needed a three-foot variance, not a two foot. She said if they reduced the size, it will reduce the variance. They need the stairs there because that is where the sliding door is. Chairperson Drummond asked what was between the end of the deck and the property line. She asked if there was a lot of vegetation there. Ms. Mennes stated there is not much there. There was originally a deck on the side yard of the house, but it was torn off before she started on the project. It is a nice meadow that the client wants to maintain. It is a little damp over there. Chairperson Drummond asked how far off the ground the door was. She asked how high they were proposing the deck to be. Ms. Mennes stated it is approximately 3 feet above the ground level. Chairperson Drummond stated they will need something there, but the question is whether it needs to be an 11-foot-wide deck. Mr. Rickett supplied some photos to the Board and Chairperson Drummond stated they do need something there. She stated they could do an 11-foot deck and that would eliminate the need for a variance. Ms. Mennes stated it would be for the site area with table and possibly sofa and also used for circulation. That is how they came up with the dimensions. Chairperson Drummond asked if they were doing a lot of work on the front of the house as well and Ms. Mennes said yes. Mr. Rickett stated there is also a shed in the front yard. Ms. Mennes stated it will be coming down.

Chairperson Drummond asked if there was second story residential space in the garage. Ms. Benes said currently no but it is part of the plan. She stated it is currently unattached, but the plans have them attached. The addition is just to give them a little more room in the kitchen. Chairperson Drummond stated there is a tree line on the right side of the property, so they are not necessarily being impactful on the neighbor. Putting a table and sofa out there does create conversation and noise to the neighbors. She does believe if the property was maintained it would be an improvement for the neighbor. Ms. Mennes stated they have bid out this project and contractors have come out. The client is aware of the cost, and they are willing to move forward. Chairperson Drummond asked what the holdup was and Ms. Mennes stated they have not gotten their building permit yet. She stated that for the last six months they have been working to recertify their FEMA map. FEMA showed the house being in the floodplain, but it turns out it is not in a floodplain. That took a while, but it is now all set. The site surveyor was very slow because last summer they had to get a new survey. With all of the flooding they could not get onto the property. Chairperson Drummond stated they had a survey done in August of 2022 and then revised in June of 2024.

Chairperson Drummond stated now there is an identified, flagged, wetlands line. She asked Mr. Rickett if there is a buffer that they need to worry about. Mr. Rickett asked whose wetland it was. If it is the Town's, it requires a 100-foot buffer, if it is in DEC they needed a 100-foot buffer. Ms. Benes stated she believes the wetland is on the neighboring property. Chairperson Drummond stated close to the driveway says, "flagged wetland line." She stated if there are wetlands and there needs to be a buffer this is not happening. They would be building in the buffer. Chairperson Drummond asked if Ms. Robbins has reviewed it and Mr. Rickett said no. Chairperson Drummond stated they cannot approve this application if there is a wetlands buffer, they need to worry about. Ms. Robbins or Mr. Witt need to review this.

Chairperson Drummond stated she is also concerned that the driveway is going over the septic fields. Ms. Mennes stated the driveway is existing. Mr. Rickett stated there is not really a driveway there, it is all gravel. Ms. Mennes stated the septic is shown approximately.

Chairperson Drummond stated this application is not ready for Public Hearing. They need to have the Floodplain Administrator and Town Planner review this application. She stated the issue is if there is a buffer for the floodplain that would prohibit any development in that area. There is a door that they cannot use so they will need something. Mr. Rickett stated the southern side of the property is marked as DEC wetlands and most of this is in the floodplain. If the information on parcel access is wrong, he does believe this will still be considered DEC wetlands which means there needs to be a 100-foot buffer. Chairperson Drummond asked if they knew when the wetlands were flagged because they should have been done within the last five years. Ms. Mennes believes that the surveyor came out and those were either existing flags or he put them down himself. They did ask him to show as much as possible on this matter so they could try move forward as transparently as possible. Chairperson Drummond stated she is not sure this was done recently. Mr. Rickett stated they usually send a wetland consultant out to do that and the surveyor goes off of their flags. Ms. Mennes thinks they may have had a wetlands consultant come out back in the beginning of this project.

Chairperson Drummond asked Attorney Cunningham if they can move forward with scheduling a public hearing. Attorney Cunningham stated there are a lot of questions and property maintenance violations. He stated before a Public Hearing is scheduled, the applicant could at least mow the grass. Ms. Mennes stated she would like a copy of any violations. She asked if they could consider putting the deck on as the repair of the deck that was previously there. Chairperson Drummond stated if they reduce the deck

by 3 feet, they will not need a variance from this Board, but they still need to deal with the wetland buffer issues before they do anything.

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

REVIEW – Appeal 4117 – Kristina Djeljosevic (6558-01-319615)

Kristina Djeljosevic, 124 Sandy Pines Blvd., Hopewell Junction, requesting a 1' height and front yard variance for an existing 58" high fence pursuant to Section 194-98 and the schedule of bulk regulations.

Mr. Djeljosevic was present.

Chairperson Drummond asked who put the fence up and Mr. Djeljosevic stated he had it put up. Chairperson Drummond asked how long it has been up and Mr. Djeljosevic stated a little over a year. Chairperson Drummond stated it is almost 5 feet tall. She asked how far out in front of the house it is. Mr. Djeljosevic stated he had to move it back and had his new survey done. He stated he just received his copy today. He gave copies to the Board. Chairperson Drummond stated the fence is across the front of the property, but it is not in the right of way. She asked if he could see as he pulls out or if there is a sight distance issue. She asked why he needs a 5-foot-high fence in the front yard. Mr. Rickett stated it is a solid black iron fence that you can see through. Mr. Djeljosevic stated it is 5.6 feet back from the property line. Mr. Ahsan stated there is no notation as to the distance from the neighbor's property line. Chairperson Drummond stated that the applicant would have to get that measurement added onto the survey. She stated that she does appreciate the fact that the applicant is putting the fence in which will keep people out of the wetlands. She asked Mr. Rickett if there were other issues regarding this property. Attorney Cunningham stated it is in court right now. It took them a very, very, very long time to get to this point because the fence was originally in the right-of-way, so they have to move it back on to the property in order to be able to apply for a variance. he believes it would be fair to have the applicant bring back a perfect survey by next month with all the measurements noted on it since it took so long to go through the court process. He stated the applicant has to stay on top of this. Mr. Djeljosevic stated

their neighbors that have fences a lot closer to the roadway than he is, and they are not being given any issues. He does not know why he is being singled out. He stated they are 2 feet from the street, and he had to go back 28 feet from the street. He stated 13 Spyglass Hill is one of those homes. Mr. Rickett stated if he would like to file the zoning complaint, he is more than welcome to do so. Chairperson Drummond asked if they were to a point where they could schedule the Public Hearing. Mr. Rickett stated once they get the updated survey they could. Chairperson Drummond stated by visually looking at the map 1.6 feet is very small, and it clearly appears to be more than 2 feet on the other side.

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

Mr. Rickett stated there is also a new shed on the side of the house and a swing set that are not shown on the survey. Those are considered structures and need to be shown on the survey. Chairperson Drummond suggested the applicant call the surveyor and informed them that the Zoning Board is asking for all structures on the property to be shown in their locations with measurements and the measurement of the property line to the fence. Mr. Ahsan wanted to verify that the backyard and the shed would also not require variances. It was determined they should not.

REVIEW - Appeal 4118 – Elena & Patrick McHugh (6459-19-697164,705159,711154)

Elena & Patrick McHugh, 9 Godstrey Rd., Wappingers Falls, requesting a 10' rear line variance for an existing 12'x20' (240sf) shed and a front yard variance for second shed 7'x8' (56 sf) pursuant to Section 194-107 and the Schedule of Bulk Regulations.

Matthew Albano and Marcus Seay were present.

Mr. Albano stated he was representing Mr. and Mrs. McHugh. Mr. Seay is the new owner. Chairperson Drummond stated this is an existing shed in the back of the property and a second shed in the front of the property. She asked what was the condition of the sheds. Mr. Albano stated the Building Inspector came and inspected them and he is pretty sure they are in good standing. Mr. Rickett stated the shed in the back is the one that looks like it was popping a wheelie. Chairperson Drummond asked why the back

of the shed was up in the air and Mr. Albano stated it is just the topography of the land. It is on posts. She asked if the applicant could put some screening or vegetation around it. She stated her concern is wildlife living underneath it. Mr. Limitone asked if it is level, and Mr. Rickett stated he did look at that closely, but he is assuming something is holding up. Mr. Albano stated when the house was sold there was a four-wheeler that was stored in there. Mr. Rickett stated normally people create a berm or do something to support the shed.

Chairperson Drummond asked if the shed in the front could be moved. Mr. Albano stated it is a dirt floor. It is approximately an 8' x 7' so it could be moved behind the frontline of the house. Chairperson Drummond stated if their intention is to move it, they can go ahead and do that, and they will remove that variance from the application. Mr. Rickett stated the shed in front is actually something you normally see in Hillside Lake.

Chairperson Drummond asked if the board was fine with the shed in the back that is up in the air. Mr. Mahony stated as long as it is on footings it is fine.

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 August 27, 2024, meeting. Voted and carried unanimously.

REVIEW - Appeal 4119 – Robert Hoffman (6355-00-665548)

Robert Hoffman, 24 Burts Path., Hopewell Junction, requesting a 2' and 4' height variance for an existing 8' and 10' high fence pursuant to Section 194-98 and the Schedule of Bulk Regulations.

Robert Hoffman was present.

Chairperson Drummond asked why there was an 8-foot high and 10-foot-high fence. Mr. Hoffman stated he just sold the house. The house was built in 1997. At that time they also installed a 20' x 40' inground pool surrounded by chain-link fence. In the fall of 1997 they had Mid-Hudson fencing come in and they did post-and rail along the property lines. They did 6 feet from the side of the house, which was approximately 25 feet off the side, and they surrounded the property. They geared up to 8 feet and 10

feet behind the pool as part of the pool surrounds. They did it for a combination of privacy and security for the small children. There was just a vacant lot behind them at the time. Chairperson Drummond asked if there was a home there now and Mr. Hoffman said yes. There has been for the last 18 years. Chairperson Drummond asked how close that house is to his pool. Mr. Hoffman stated it is probably 100 feet beyond the line.

Mr. Limitone and Mr. Ahsan both stated that they are neighbors of this applicant. Mr. Hoffman stated it was originally a cedar fence. 14 trees came down in 2018 due to the microburst and they rebuilt the fence with the decorative vinyl fencing. Chairperson Drummond stated if they grant 8-foot and 10-foot fences in this case they will get multiple applications coming in asking for eight- and 10-foot high fences. She needs to understand what is unique about this property that requires a fence that high. She stated there should not be 8- and 10-foot-high fences on residential properties. Having the house behind them be 100 feet away so they are not disturbing the privacy does not help his case. He stated that when he installed the fence in 1997 there was no aspect there. Chairperson Drummond stated if there was no house back there, he did not need it for privacy he just needed a security fence around the pool. Mr. Hoffman stated it would keep deer out, as he has seen them hop into pools. Mr. Limitone stated the property behind him drops down a little bit and there is a small rock wall and then it drops even lower. Chairperson Drummond stated that is not helping why this needs to be such a high fence. If the property is lower behind it, they are looking up anyway so they would be able to see over a 6-foot fence. Mr. Rickett asked if there was another fence behind his fence on the property line. Mr. Hoffman stated there is a post-and rail along the property line. Mr. Limitone stated if the fence were lower the neighbor behind him would be able to see if he was on his deck. He stated the applicant does not have the opportunity to plant trees because it is all rock and shale in that area. Mr. Hoffman stated in full disclosure he did build the house behind him because he owned that property originally. Chairperson Drummond stated that gave him the opportunity to place that house where it would be least impactful on his own property. Chairperson Drummond stated she is not hearing a reason to allow an 8-to-10-foot fence. Mr. Limitone stated she might need to go see the site. Chairperson Drummond stated she saw the pictures. There is a lattice on top of the fence. Mr. Hoffman stated he cannot see it from Burt's Path, and it is in his backyard way off the property line. Chairperson Drummond stated she does not feel them it does not look good. Mr. Rickett stated he thinks the only property that will be able to see it would be the Warren farm property. Chairperson Drummond asked who was getting the privacy benefit then. She

asked if it really needed to be that high. She stated this Board has to be able to defend whatever they give him to somebody else wanting the same thing. Mr. Limitone asked if there was a danger for somebody climbing over if it was only a 6-foot-high fence. He asked if the drop off the other side of the fence was substantial. Mr. Hoffman stated the fence is approximately 2 feet away from where the drop is. Chairperson Drummond stated she is not disputing the fact that they should have a fence. It is just the height. He stated it has been there for 27 years. There are only five sections that are 10 feet high. And it is integrated with the pool surrounds. Chairperson Drummond stated the applicant has a white fence, a tan fence, and a chain-link fence. There is also a post-and rail fence around the property. Chairperson Drummond asked how difficult it would be to take it down or make it shorter. Chairperson Drummond stated it looks like there are 4-foot sections on top of each other. She stated it looks like it is a ball field fence. Mr. Hoffman stated that if he has to take down the fence it is money out of his pocket and the new owners are already holding money from the sale until he gets a variance. Chairperson Drummond asked the board's opinion. Mr. Paratore stated to take it down to 6 feet all across. Mr. Ahsan stated if they kept it at that height, they would have to approve fences like that for everyone else as well. Chairperson Drummond stated if there was a house directly behind him with someone's bedroom looking right into his pool, she would understand but that is not the case. Mr. Hoffman stated if the fence is at 6 feet and he is sitting on his deck he is looking directly into someone else's deck. This way he does not see their deck and they do not see his. Chairperson Drummond stated if he just cuts the fence down to match 6 feet across it will look strange because right now it is two 4-foot sections on top of each other. If he keeps it at a 4-foot section and puts the lattice on top of that, it will not look bad. Mr. Ahsan stated that he would be between five and half and 6 feet and he would no longer need a variance. Mr. Hoffman asked if he could keep the 8-foot sections. Chairperson Drummond asked why he needed it. Mr. Hoffman said it is not a matter of need. It is already there. It has been there for 27 years. Chairperson Drummond stated it is not allowed by the town code and he is not giving them any reason this property needs an exception. Mr. Rickett stated this only came up in the course of the municipal search. Mr. Limitone asked what he would be looking at if he reduced all of the fencing to 6 feet and Mr. Hoffman said he would be looking at woods. The whole neighborhood is wooded. Chairperson Drummond stated there is no need for an 8-foot fence. She stated that he keeps the 4-foot sections and puts the lattice on top it gives it a little bit more height but still keeps under what would require a variance. Mr. Hoffman asked if he takes the fence down to 6 feet all the way across does he need to come back before this

Board and Chairperson Drummond said no. He stated he would explain that to the owners and thanked the Board for their time

REVIEW – Appeal 4120 – Peter Corsino (6357-01-2207060)

Peter Corsino, 9 Marion Ave., Wappingers Falls, requesting an 18’ side yard variance for an existing 11’X11’ (121sf) pergola pursuant to Section 194-107 and the Schedule of Bulk Regulations.

Peter Corsino and Mrs. Corsino were present.

Chairperson Drummond asked who put up the pergola and Mrs. Corsino said they did. Chairperson Drummond asked if it was part of the pool area and Mr. Corsini said yes. Chairperson Drummond asked if it was movable, and Mr. Corsino said no. Chairperson Drummond asked what the carport and container were and if they were being removed. Mrs. Corsino stated they are moving so the carport will be moving. Mr. Corsino stated when he bought the house in 2005 the container was already there. They have a letter signed by John Neubauer stating that the 156-foot shed does not require a building permit or certificate of compliance and it is considered temporary storage. Chairperson Drummond stated that temporary means it is not going to be there years later. Mr. Rickett stated Mr. Neubauer's comments were in the form on a municipal search that came up when they did an inspection so it could be taken off as a violation. It was not intended to stay on the property permanently. Chairperson Drummond stated they currently define temporary as six months. She asked if the container was going to go. Mr. Corsino stated he was under the impression that it would not have to go. The carport will have to go, and he understands that. Mrs. Corsino stated it was explained to her that it is temporary because it is movable. Chairperson Drummond stated temporary is not a permanent structure. Temporary is on the property for six months or less. Mr. Rickett asked if the new owner was going to use it for storage. Mr. Corsino said yes for all of the pool supplies. Mr. Rickett stated there are a few options. The first is that it can be removed because it is something that is not permanently mounted to the ground. One local business re-sided their container, so it does not look like a metal shipping container anymore. They made it look like a shed because sheds are allowed. If it is staying where it is they would need a variance for it. He said if it moved too much it would be putting it too close to the pool. Mr. Limitone asked if they would need to get a truck in there to move it and Mr. Corsino said yes. Mrs. Corsino stated if they move it too far back

than the neighbors behind them would be able to see it. Chairperson Drummond stated it looks like the neighbor's fence is coming onto their property. Mr. Corsino stated those are just two sections of fence that were there when he purchased the home. They are approximately 6 feet tall. Chairperson Drummond stated if they are 6 feet they need to be 2 feet off of the property line. She asked if they could come down since the carport is coming down and Mr. Corsino said yes. Mrs. Corsino asked if they side the container like a shed, do they have to come back before this Board and Chairperson Drummond said yes because they still need the variance because they are too close to the property line. She stated they need to come back for a Public Hearing for the pergola anyway. She stated they can deal with both of them at the same time. Mrs. Corsino asked if they make it look like a shed, do they have to put a roof on as well. Chairperson Drummond said yes. Mr. Corsino stated they could probably find someone to take out the storage container. Mr. Rickett suggested they drive by McDonald's on Route 376 because they have done the exact same thing. Mr. Limitone asked if they could get a truck back there to move it and Mr. Corsino said yes. It will mess up the lawn, but it could be done. Chairperson Drummond asked if they were going to do the siding when it would be done. Mrs. Corsino stated that they have a tentative closing date for the end of August so they would have to hire somebody to do it. Mr. Corsino stated it might be easier to just remove it. Chairperson Drummond stated they needed to know what the applicant wanted to do so they know how to advertise properly for the Public Hearing. Attorney Cunningham suggested they advertise as if it is staying and then if they have it removed, it is not a big deal. Mr. Ahsan stated there are no measurements for how close to the property line it is, so they don't know what to advertise for the variance. Mr. Limitone suggested they call their surveyor and tell them they need to know the distance the perspective shed is from property line. Chairperson Drummond stated they will need to call Jackie to tell her either the measurements or that they are removing it.

Chairperson Drummond asked if anyone had concerns about the pergola variance. There were none.

Chairperson Drummond asked if they had spoken to the neighbor and Mrs. Corsino stated they have a letter from her in favor of this.

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

Mr. Corsino stated the shed has a rollup door. Mr. Rickett stated that would be considered a garage. If they want to put two side opening doors like McDonald's did, that would be considered a shed.

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

REVIEW – Peter Albis (6355-00-488210)

Peter Albis, 57 Thistle Ln., Hopewell Junction, requesting a 25' side yard and a 11' rear yard variance for an existing 15'X22' (330sf) outdoor kitchen pursuant to Section 194-107 and the Schedule of Bulk Regulations.

Debra Albis was present.

Ms. Albis stated this is a pool with a kitchen which was installed in 2008. The home was purchased approximately 20 years ago. She stated she is Peter Albis' mother-in-law because Peter is in Florida due to a medical issue. The clerk does have a letter allowing her to speak on their behalf. The house is now under contract to be sold.

Chairperson Drummond asked how tall the concrete retaining wall is. Ms. Albis said in some places it is probably 12 feet tall. It is an engineered retaining wall. Mr. Rickett stated they have called back plans for what was originally done and approved because they are not certain that what was previously approved should have gone all the way to the property line. Ms. Albis stated the retaining wall was engineered with concrete and pinning's and stone faced with stone from the property. It was done after a mudslide. There was a failure of a drainage pipe that caused mud to come from the back property, through the basement of this house, and blew out three garage doors. The retaining wall was constructed to prevent an issue like this again. It is a two-tiered retaining wall built like the highway retaining walls. The kitchen area was installed around the pool to allow walking space between it and the pool.

Chairperson Drummond stated it does not look like there is dirt behind the retaining wall. Ms. Albis stated the whole hill literally goes up like steps in that area. She stated there is another wall behind that wall to the right. Mr. Rickett stated there are pictures in his packet that show the retaining wall and behind. He stated that the application for the retaining wall came in 2007 and got CC'ed in 2012. They are calling those records back to be reviewed. They want to make sure there have been no changes since then. There was a lot of work done on this property without permits. The owner did clear a lot of it up with Mr. Rickett, but they want to make sure they have everything taken care of.

Mr. Ahsan stated he does not know how close the kitchen is to the property line. Ms. Albis stated the setbacks are on the survey. Mr. Rickett stated they are not sure if any work has been done on the retaining wall since it was closed out in 2012. They just got done with approximately 9 permits for things that were done without them.

Chairperson Drummond asked if they had enough information to schedule the public hearing. Attorney Cunningham stated he does believe they are okay to move forward. If there is a retaining wall issue, they will have to hire an engineer. Mr. Rickett stated Engineer Bryant wants to make sure that what is there today is what was permitted in 2012. Attorney Cunningham stated they don't need relief for the retaining wall from the ZBA. Mr. Rickett stated he is trying to determine if the retaining wall can be right up against the property line. Ms. Albis stated this was not just a little bit of mud that came down the hill. It blew crater out of the back wall of the property. Attorney Cunningham stated if they set the Public Hearing tonight and over the next few days find they need to add things they can. They have also discussed all of these issues here. Chairperson Drummond stated the work that is there is done beautifully but they need to make sure that it is done properly. Chairperson Drummond stated the retaining wall will need the 25-foot variance.

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

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

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Alberto Paratore, to adjourn the Zoning Board meeting at 9:48 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary