

Town of East Fishkill

ZONING BOARD OF APPEALS

September 24, 2024

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were Alberto Paratore, Aziz Ahsan, Art Mahony, Rocco Limitone, and Norma Drummond. Michael Cunningham, Esq., Town Attorney; Matt Rickett, Zoning Administrator; and Jackie Keenan, Clerk, were also present.

Chairperson Drummond led the meeting with the Pledge of Allegiance.

CHAIRPERSON’S COMMENTS:

Chairperson Drummond stated that the next meetings would be Tuesday, October 22, 2024, and Tuesday, November 26, 2024.

MOTION made by Aziz Ahsan, seconded by Alberto Paratore, to approve the minutes of the meeting held August 27, 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 two Decisions. They have already had the Public Hearings and closed them for these two, but they were waiting for the attorney to write up the decision. Next are the Public Hearings, which are applications that this Board has already had the opportunity to review. Neighbors are then noticed and have the opportunity to tell the Board anything they may not be aware of. They know the property better than the Board may. The last 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 are no public

comments on any reviews this evening. They will be given the opportunity to speak at the appropriate time.

DECISIONS:

DECISION – 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.

Chairperson Drummond stated there was no Public Hearing to open.

APPEAL NUMBER: 4101

APPLICANT: Gabriella Rose LTD (Flory’s)

NAME OF PROJECT: A 76’ front yard variance and a 3’ side yard Variance for a proposed vacuum station, a 67’ front yard Variance and a 6’ side yard Variance for an air station, a 10’ side yard Variance for a cooler, a 10’ side yard Variance for an ice chest, a 10’ side yard Variance for a propane cage, and a 12% maximum lot coverage Variance from the Schedule of Bulk Regulations of the Zoning Ordinance (the “Variances”)

LOCATION: 1997 Route 52, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6356-04-635231

ZONING DISTRICT: B-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant operates an existing gas station and convenience store; and

WHEREAS, due to an increase in business from the recent economic activity nearby, the Applicant is requesting Variances to expand its operation; and

WHEREAS, this is an unlisted Action under SEQRA, the Planning Board was the Lead Agency in a coordinated review, and the Planning Board voted in favor of a Negative Declaration at its August 20, 2024 Meeting; and

WHEREAS, the Planning Board also approved a site plan amendment at its August 20, 2024 Meeting; 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 closed it at its August 27, 2024 Meeting; 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 continue its current use, and it is located in a commercial corridor;

The desired result cannot be achieved by other means due to the size of the Property without impacting the ability of the business to operate;

The Variances are substantial and has worked with Town staff to minimize them as much as possible;

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 Gabriella Rose LTD (Flory’s) for a 76’ front yard variance and a 3’ side yard Variance for a proposed vacuum station, a 67’ front yard Variance, and a 6’ side yard Variance for an air station, a 10’ side yard Variance for a cooler, a 10’ side yard Variance for an ice chest, a 10’ side yard Variance for a propane cage, and a 12% maximum lot coverage Variance from the Schedule of Bulk Regulations of the Zoning Ordinance subject to the following:

1. Compliance with all conditions imposed by the Planning Board as part of its Site Plan Amendment approval.
2. Property owner to secure offsite parking for employees of the business’s subject to the approval of the Town Attorney and Town Engineer.

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

DECISION - 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.

No one was present.

Chairperson Drummond stated the Board closed this Public Hearing at the last meeting but held their decision until tonight. Chairperson Drummond stated she did do a site visit on this application. She stated that the applicant told the Board that there were multiple properties in the Legends that had this type of fence, and she only saw two. There is one right at the beginning on St. Andrews and Rivera and then there was one down the road from the applicant. She believes it was number 60 where the wrought iron fence was in between brick and beautifully done. She stated she felt this fence made this property look institutional like a jail. She still has concerns about this. There is a core issue going on and some issues where the neighbors have expressed concerns. Mr. Rickett stated that the neighbors did express concerns, and the applicant stated this was to keep his children in the yard. This fence does not do that because the driveway is opened and the whole side is open. Chairperson Drummond stated there was a trampoline on the right side and a play set on the right side. The whole backyard was cut off but there are wetlands back there and woods back there that he may not want the kids in. This does give the kids a secure area. Her hope is when the kids are older, he will take that fence down. She does not believe it does anything aesthetic for the neighborhood.

APPEAL NUMBER:

4117

APPLICANT: Kristina Djeljosevic

NAME OF PROJECT: A 1' height Variance and a front yard Variance from the requirements of Section 194-98 of the Town Code and the Schedule of Bulk Regulations for an existing 58" high fence (the "Variances")

LOCATION: 124 Sandy Pines Blvd., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6558-01-319615

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Alberto Paratore

WHEREAS, the Applicant installed an aluminum fence without the proper approvals from the Town; and

WHEREAS, the Town received numerous complaints about this matter; and

WHEREAS, part of the fence was installed in the Town's right-of-way prior to the applicant moving it onto his own front yard; and

WHEREAS, this matter is in the Town's Justice Court, but it is currently subject to an automatic stay under the New York State Town Law; and

WHEREAS, the Applicant has stated that he needs the fence in its current location for the safety of his children; 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 August 21, 2024; and

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

WHEREAS, the ZBA closed the Public Hearing and reserved its decision; 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 other means;

The front yard Variance is substantial;

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request by Kristina Djeljosevic for a 1' height Variance and a front yard Variance from the requirements of Section 194-98 of the Town Code and the Schedule of Bulk Regulations for an existing 58" high 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 HEARINGS:

PUBLIC HEARING - Appeal 2216 – Shenandoah Farm, LLC (+666-00-135831)

Shenandoah Farm, LLC, 270 Jackson Road, Hopewell Junction, is requesting an extension on their Soil Mining Permit for Shenandoah Farms, which was granted by the Zoning Board of Appeals on July 8, 2008, pursuant to Section 194-75 of the Zoning Ordinance. (Permit was originally issued 7/8/08, renewed through October 27, 2024).

Daniel Jackson was present.

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

Chairperson Drummond stated they got an update last month on this operation. The Building Inspector did an inspection and there were no open violations on the property. It is operating with all the appropriate soil and storm water management. There have been no complaints on the property. The DEC permit was renewed.

Chairperson Drummond asked if there were any other 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.

Teresa Daley lives at 155 Jackson Road. She stated she is in favor of the extension of the soil Mining permit for Shenandoah Farms.

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

APPEAL NUMBER: 2216

APPLICANT: Shenandoah Farm, LLC

NAME OF PROJECT: Two-year Soil Mining Special Permit Renewal Pursuant to Section 194-75 of the Zoning Ordinance

LOCATION: 269 Jackson Road, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6555-00-135831

ZONING DISTRICT: R-1/3

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the Applicant was first granted a Soil Mining Special Permit on July 8, 2008 pursuant to Section 194-75 of the Zoning Ordinance for Land Excavation and Filling; and

WHEREAS, the special permit was most recently extended through October 27, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on September 24, 2024; and

WHEREAS, the Legal Notice was published in the Southern Dutchess News on September 18, 2024; and

WHEREAS, this is a Type II Action under the State Environmental Quality Review Act (“SEQRA”) and no further review is required;

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby

Grants the Applicant’s request for a two-year renewal for a Soil Mining Special Permit pursuant to Section 194-75 of the Zoning Ordinance subject to the Applicant obtaining a renewal for the Special Permit in two years and all conditions from prior Decisions & Orders remaining in effect. In addition, the Special Permit shall only be effective so long as the Applicant has all of its required permits from the New York State Department of Environmental Conservation (“DEC”).

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 4122 – Susan Brophy (6458-01-380524)

Susan Brophy, 34 Larchmont Dr, Hopewell Junction, requesting a 2’ side yard variance for an proposed 6’ fence on the property line pursuant to Section 194-98 and the Schedule of Bulk Regulations.

Susan and Mr. Brophy were present.

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

Chairperson Drummond stated they did review this last month. The Building Inspector was there. Board members should have pictures of what is happening on the site. She stated there is a reason the Town Code says that fences should be 2 feet in on your property. It is so that the owner can maintain the fence on the other side. Unfortunately in this case, they have a neighbor who has a fence and shed right on their property line. Chairperson Drummond stated she walks by this property all the time and saw stakes out this morning. The applicant stated they had their surveyor come out and put them in. Chairperson Drummond stated the neighbor's shed is on the property line and a fence that is falling down is on the property line. The vegetation overgrowth is right to the property line. The applicant’s concerned was that if they put the fence 2 feet in, the neighborhood would use those 2 feet. The applicant would have the right to go on to that side on their property and maintain the fence. They did mention that the neighbor has a dog next door, so they are also concerned about that. There is a truck in the driveway next door that looks like it is being used as a dumpster. There is a lot going on. There are a lot of issues that she would not want to live next door to. She stated she needs to know how far up the fence is going to go. She asked if it was going to extend past the front of the applicant's home. There is a point on the neighbor's property where the mess stops. Mrs. Brody stated that where the chain-link fence off the back of her house is, the new fence will extend beyond that. The chain-link fence will come down and the white fence will go up. It will just go to the property line so it will cover some of their view.

Chairperson Drummond stated there are a lot of fences on this property. There is chain-link, there are two pieces of stockade just falling down and it is all visible from the roadway. The house is beautifully maintained, and the applicant is trying to fix it. Mrs. Brody stated once the two trees came down, everything was visible. Chairperson Drummond stated normally they would not recommend or hope to see a fence right on the property line but in this case, they do understand the applicant's concerns.

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: 4122

APPLICANT: Susan Brophy

NAME OF PROJECT: A 2' side yard Variance from the requirements of Section 194-98 of the Town Code for a 6' high fence on the property line

LOCATION: 34 Larchmont Dr, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6458-01-380524

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Art Mahony

WHEREAS, the Applicant currently has multiple different styles of fences installed at the Property, and wishes to replace all of the existing fences with one coherent fence design; and

WHEREAS, the Applicant believes that having the fence on the property line rather than two feet off of the property line will promote more harmonious relations among the neighbors and prevent future maintenance disputes; and

WHEREAS, the neighbor has a dog which may prohibit maintenance of the fence; 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 September 18, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on September 24, 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 the fence improvements will make the property look better for neighbors;

The desired result could be achieved by other means, including a four foot fence, but that limited height would not shield the applicant from some of the unsightly vehicles and structures in the neighbor’s yard;

The Variance is not substantial;

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request by Susan Brophy for a 2’ side yard Variance from the requirements of Section 194-98 of the Town Code for a 6’ high fence on the Property line.

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 4123 – Ray Gonsalves (6357-02-890540)

Ray Gonsalves, 10 Russo Dr, Hopewell Junction, requesting a 4’ side yard variance for an existing 200sf carport pursuant to Section 194-107 and the Schedule of Bulk Regulations.

Ray Gonsalves was present.

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

Chairperson Drummond stated they did review this application last month. The applicant has structures approximately 125 feet back from the road. There are three structures in a straight line. Two of them are sheds and one is a canvas temporary carport. The code does allow for the two sheds, so this application is dealing with the canvas carport. They all need that distance in from the side yard. The issue is that a canvas structure is temporary and is only allowed for six months at a time. They did discuss if the applicant really needs this structure for car protection as they discussed, they should make it a permanent structure. Canvas tends to disintegrate and there are issues with storms if they are not anchored properly. That is part of the reason why the Town Code makes them temporary. The applicant does want to keep that third structure. Chairperson Drummond stated it is so far in on the property that she does not believe it is visible from the road. Mr. Gonsalves stated his goal was to have it not be obvious that there were multiple structures. Chairperson Drummond stated from a functional sense it probably makes sense to have them all right there. Mr. Gonsalves did bring pictures of what he was thinking of putting up. Chairperson Drummond asked what color it would be. Mr. Ahsan asked if it would be a carport, a garage, or a shed. Chairperson Drummond stated if it has a garage door it will be called a garage. Chairperson Drummond asked what size it was going to be a and what size is there now. Mr. Gonsalves stated the cement slab is 10 x 20 what is there now so that is probably the size he will stay with. ~~Chairperson Drummond stated it has a garage door so that is what it will be called.~~ Mr. Gonzales asked if he could hold off work on this until March as the winter is coming. Chairperson Drummond stated the resolution gives him through June. Mr. Ahsan asked if the other two sheds were approved, and Mr. Rickett stated there is no issue with them. Mr. Gonsalves moved the one shed to 17 feet away from the property line.

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

APPLICANT: Ray Gonsalves

NAME OF PROJECT: A 6’ side yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 200 s.f. carport

LOCATION: 10 Russo Dr, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6357-02-890540

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant has an existing canvas structure; and

WHEREAS, this structure would qualify as a temporary structure and could only be located at the Property for a limited period of time; and

WHEREAS, the Applicant plans to install a permanent structure on the existing carport space to store a classic car; 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 September 18, 2024; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on September 24, 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;

The Variance is not substantial;

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request by Ray Gonsalves for a 6’ side yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 200 s.f. garage, subject to the following conditions:

1. The existing fabric tent must be removed no later than June 30th 2025.

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

Resolution Seconded by Zoning Board Member: Rocco Limitone

The votes were as follows:

Board Member Aziz Ahsan

Aye

Board Member Rocco Limitone Aye

Board Member Alberto Paratore Aye

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

REVIEWS:

REVIEW – Appeal 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)~~

No one was present.

Chairperson Drummond stated that this applicant has not been before the Board for months.

MOTION made by Norma Drummond, seconded by Aziz Ahsan, to -direct the Clerk to notify the applicant that if they are not present next month, this application will be considered abandoned. Voted and carried unanimously.

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.

No one was present.

Chairperson Drummond stated this application has been on since June. The applicant specified an August time slot for additional review and then did not show.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to- direct the Clerk to notify the applicant that if they are not present next month, this application will be considered abandoned. Voted and carried unanimously.

REVIEW – Appeal 4124 – Mike Todd (6459-04-913320)

Mike Todd, 167 Cranberry Dr., Hopewell Junction, requesting a 7' rear line variance for a proposed inground pool and a 44' rear line variance for a proposed cabana pursuant to the Schedule of Bulk Regulations.

Mike Todd was present.

Chairperson Drummond stated this is the first time they are hearing about what the applicant is proposing. Mr. Todd stated he provided a survey and CAD drafting of the proposed pool and cabana. They did try to plan this so he did not need a variance, but that makes it very close towards 173 Cranberry Drive. Of the four neighbors they have adjoining their property there is only one that has a direct sideline from the backyard and that is 173 Cranberry Drive. They were trying to center the pool directly behind their house to give both homes as much privacy as possible. The neighbor, Patrick Bell, has stated that he will send a letter of support if needed. The applicant understands this is very close to the back line as well. The neighbors on the backside at 36 and 44 BlackBerry cannot see the backyard due to the woods and the topography. The neighbors on BlackBerry drive would have to climb a 40-foot hill to even see this backyard. This should not impact either of the three neighbors remaining as well. 163 Cranberry has the house positioned much closer to the street, so they cannot see his backyard.

Chairperson Drummond stated the only other option would be to not have the cabana. It is 258 square feet. It is 12 x28. The 12 feet would be what would reduce the variance, but that is not significant as it is the standard size of the shed. Mr. Todd stated it is only enclosed on the final 6 1/2 feet on the left and then it is all open space with the roof. They are picturing some couches or something underneath for the open area of the cabana.

Mr. Rickett stated the applicant came in to get a permit for the hot tub that they found on the site visit. Everything has been taken care of.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Ahsan stated the cabana will be within 6 feet of the property line. Chairperson Drummond stated that the topography of this area means that the neighbors will never see it. Mr. Limitone stated he does not see where this will disturb anyone.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the October 22, 2024, meeting. Voted and carried unanimously.

REVIEW – Paul Mikolajczyk (6656-00-426728)

Paul Mikolajczyk, 7 Gung Ho Rd., Stormville, requesting a 17’ side line variance and a 402sf size variance for a proposed 34’x32’ 1-st floor and 12’x32’ 2nd floor total (1472sf) detached garage pursuant to the Section194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations.

Paul Mikolajczyk was present.

Chairperson Drummond stated this is the first time seeing this application and she questioned why they needed such a large garage. Mr. Mikolajczyk stated they have three vehicles for commuting. Having a third vehicle is necessary for when one of the other two vehicles is out of commission, as they both commute distances to work. The back of the garage would be used for a lawnmower, lawn tractor, motorcycle, and tools.

Chairperson Drummond asked if this house had an existing garage and Mr. Mikolajczyk stated no.

Chairperson Drummond asked if this exceed 60% of the footprint of the house. Mr. Rickett said yes. He needs a 722 square foot size variance and a 17-foot side yard variance. The footprint of the house is 1144 square feet. The proposed garage that he is asking for is 1088 square feet on the first-floor and a partial second-floor at 384 square feet. Chairperson Drummond stated that the footprint of the garage is smaller than the footprint of the house which is good. It is not a full second floor. Mr. Mikolajczyk stated it will be storage only. There will be no heat in the entire garage. The second floor is a loft with stairs.

Chairperson Drummond asked Mr. Rickett if there were still existing violations on this property. Mr. Rickett stated they took care of the windows. If the applicant gets approval for the garage one of the sheds will be coming down. They are taking care of the pergola that was built on the deck.

Mr. Ahsan asked about the old cellar that is showing on the map. Mr. Rickett stated he could not even see it on the property. Mr. Mikolajczyk stated it is below the watermark. He believes it was a root cellar. It is a roof with no door and a dirt floor.

Chairperson Drummond asked how old the house was, and Mr. Mikolajczyk stated he did not know.

Chairperson Drummond asked if there were comments or questions from Board members. Mr. Ahsan asked about the frame shed and Mr. Mikolajczyk stated that is the one being removed. He stated he also talked to his neighbor and he has a signed document stating the neighbor does not have a problem with this.

Chairperson Drummond asked what the garage would look like. Mr. Mikolajczyk had a schematic to present to the Board. It will match the house. Mr. Limitone asked if the driveway was already there, and Mr. Mikolajczyk said yes, it is a blacktop driveway.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the October 22, 2024, meeting. Voted and carried unanimously.

REVIEW – Appeal 4126– Cim-Tech (6356-04-525017)

Stephen Teed, 40 Corporate Park Dr., Hopewell Junction, requesting a 3' side yard variance for an existing propane tank pursuant to the Schedule of Bulk Regulations.

Stephen Teed was present.

Chairperson Drummond stated this applicant is a neighbor of Amazon. Mr. Teed said yes. He stated they put an addition onto the building last year. The plan was to eventually tap into natural gas. They installed a propane tanks last year before the winter to get them through the winter with heat.

Chairperson Drummond verified that the propane is just for heating and Mr. Teed said yes. The applicant stated they believed they put the tanks in at an appropriate distance because they thought they were zoned B1 so they only needed 10 feet from the property line. They have decided to keep the tanks because the cost of putting natural gas in and switching all the furnaces was over \$60,000. They have now found out that they are in and I1 zone and need to be 20 feet away from the property line.

Mr. Rickett stated there is nothing behind this property.

Chairperson Drummond asked what this business does. Mr. Teed stated they build automated machinery.

Chairperson Drummond asked if there were any comments or questions from Board members. There were none. Chairperson Drummond asked if this was on the Amazon side and Mr. Teed said yes, it is near the lake or whatever the retention area is called.

MOTION made by Aziz Ahsan, seconded by Art Mahony, to advertise and set this for Public Hearing for the October 22, 2024, meeting. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Art Mahony, to adjourn the Zoning Board meeting at 7:51 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary