

Town of East Fishkill

**ZONING BOARD OF APPEALS**

October 22, 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 she had to change the order of the meeting. Since there is no December meeting, the Board has to decide on a 2025 Schedule of Meetings. Below are the proposed dates:

Jan, 28	Feb. 25	March 25	April 22	May 27	June 24
July 22	August 26	Sept. 23	Oct. 28	Nov. 25	

**MOTION** made by Aziz Ahsan, seconded by Alberto Paratore to approve this 2025 Schedule of Meetings. Voted and carried unanimously.

Chairperson Drummond stated that the next meetings would be Tuesday, November 26, 2024 and Tuesday, January 28, 2025.

**MOTION** made by Aziz Ahsan, seconded by Art Mahony, to approve the minutes of the meeting held September 24, 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 will be an amended resolution. She will further explain that one when they get there. 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. In this case, item number 5 has been withdrawn and the applicant for item number 6 needs a new survey that they have not yet gotten. So neither of those applications will be heard at this meeting.

**AMENDED RESOLUTION:**

**AMENDED RESOLUTION – Appeal 4051 – Richard Sheerin (6458-04-851194)**

Richard Sheerin 19 Maple Place, Hopewell Junction, is requesting a 25’ front line variance for a proposed 1,630 sf addition and a 5’ side yard variance for an existing 18’x12’ (216 sf) shed, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance. (Amend resolution to include covered porch that needs a 27’ front line variance).

**Richard Sheerin was present.**

Chairperson Drummond stated that the issue with this application is that applicant’s house is where it is. The survey that they had was mislabeled. There was a two foot difference on where the front of the house was. When they did the addition, that two foot error continued. There is no error on the applicant’s part, but the Board needs to amend their resolution now that the construction has been done. It has been verified that they are two feet off. The attorney has stated that this is de minimis and it was an error on the professional surveyor’s part and not the applicant’s part.

APPEAL NUMBER: 4051

APPLICANT: Richard Sheerin

NAME OF PROJECT: (i) A 27' front line Variance from the Schedule of Bulk Regulations for a proposed 1,630 s.f. addition; and (ii) a 5' side line Variance from the requirements of Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations for an existing 18'x12' (216 s.f.) shed (the "Variances")

LOCATION: 19 Maple Place, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6458-04-851194

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Aziz Ahsan

**WHEREAS**, the ZBA approved the Applicant's requested Variances for i) a 25' front line Variance from the Schedule of Bulk Regulations for a proposed 1,630 s.f. addition; and (ii) a 5' side line Variance from the requirements of Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations for an existing 18'x12' (216 s.f.) shed at its January 24, 2023 Meeting; and

**WHEREAS**, it was later discovered that the survey was incorrect and the Applicant needed a 27' front line Variance rather than a 25' front line Variance for a covered porch; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on January 24, 2023; and

**WHEREAS**, the Legal Notice was published in the Southern Dutchess News on January 18, 2023; 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 neighborhood as the area is heavily wooded, and there is no difference in impact between a 27' front line variance and a 25' front line variance;

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

The Variances could be deemed substantial, but will be mitigated by the existing natural, vegetative buffer;

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 from Richard Sheerin for: (i) a 27' front line Variance from the Schedule of Bulk Regulations for a proposed 1,630 s.f. addition; and (ii) a 5' side line Variance from the requirements of Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations for an existing 18'x12' (216 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: Alberto Paratore

The votes were as follows:

Board Member Aziz Ahsan	Aye
Board Member Rocco Limitone	NV
Board Member Alberto Paratore	Aye
Board Member Art Mahony	Aye

Chairperson Norma Drummond

Aye

**PUBLIC HEARINGS:**

**PUBLIC HEARING - Mike Todd (6459-04-913320)**

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

**Mike Todd was present.**

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

Chairperson Drummond stated they did review this application at the last meeting. The property does have a very steep incline in the back. The applicant has put the pool and the cabana in the best location given the topography of the property. The applicant has stated he located this in the middle of his back yard to minimize the view for the neighboring properties on the sides. The neighbor in the back would be the most impacted because he is so close to the rear line, but he has an approximate 40 foot incline to get level with the applicant’s property to see anything. She stated the one question they did not ask was where the pool equipment would be located. Mr. Todd stated the contractor was planning on putting it on the right, closest to 173 Cranberry. Chairperson Drummond stated they just needed to know that it was not going to need a variance. Chairperson Drummond stated the cabana is the closest to the back property line. She verified that it would be open on three sides with a small enclosed area. Mr. Todd said yes. Mr. Todd asked what they would need if they wanted it closer to the cabana. Chairperson Drummond stated it had to be 25 feet from the property line. Mr. Todd stated the engineer really wanted it closer to the pool, so it will go along the wall where they first discussed.

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. There was no one.

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

APPEAL NUMBER: 4124

APPLICANT: Mike Todd

NAME OF PROJECT: A 7' rear line Variance for a proposed inground pool and a 44' rear line Variance for a proposed cabana from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations (the "Variances")

LOCATION: 167 Cranberry Dr., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6459-04-913320

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Alberto Paratore

**WHEREAS**, the Applicant's house is located near the rear line of the Property creating less space to install a pool; and

**WHEREAS**, the area near the proposed inground pool and cabana is heavily wooded with a steep incline in the rear with significant screening from neighbors; and

**WHEREAS**, the proposed inground pool and cabana will also be screened by existing topography; 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 October 16, 2024; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on October 22, 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 since the proposed inground pool and cabana will be adequately screened by the existing vegetation and topography;

The desired result could not be achieved by other means due to the layout of the house;

The rear line 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 Mike Todd for a 7' rear line Variance for a proposed inground pool and a 44' rear line Variance for a proposed cabana from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations.

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

Resolution Seconded by Zoning Board Member: Aziz Ahsan

The votes were as follows:

Board Member Aziz Ahsan Aye

Board Member Rocco Limitone NV

Board Member Alberto Paratore Aye

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

**PUBLIC HEARING – Appeal 4125 - 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’ 1st 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.**

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

Chairperson Drummond stated they did have the opportunity to review this application last month. The applicant is asking for a garage as his home doesn’t currently have one. He is looking for a three bay



garage. He and his fiancé both commute to work so they have a third car in case something happens to one of the other ones. The Board was concerned about whether this was larger than the house, but it was determined not to be. The footprint of the house is 1,144 sq. ft. and the garage’s second floor is significantly smaller than the first floor. There will be steps, but there will be no heat or water. There will be no residential use for that space.

Chairperson Drummond asked if there were any other questions or comments from Board members. Mr. Ahsan asked about the shed on the property. Chairperson Drummond stated the applicant has indicated that if they get approval for the garage, everything in the shed will be moved into the new garage. Mr. Ahsan asked about the other location on the map. Mr. Mikolajczyk stated it is like a root cellar for fruits and vegetables. It is dug into the side of the property and made out of stacked stone. It is large enough to stand in. Mr. Rickett stated it was installed before Zoning. Chairperson Drummond stated it is in the ground, not above the ground.

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

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

APPEAL NUMBER: 4125

APPLICANT: Paul Mikolajczyk

NAME OF PROJECT: A 17’ side line Variance and a 722 s.f. size Variance from Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 1,472 s.f. detached garage (the “Variances”)

LOCATION: 7 Gung Ho Rd., Stormville (the “Property”)

TAX MAP NUMBER: 6656-00-426728

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Art Mahony

**WHEREAS**, the existing house does not have a garage; and

**WHEREAS**, the proposed detached garage measures 34'x32' for the 1<sup>st</sup> floor and 12'x32' for the 2<sup>nd</sup> floor totaling 1,472 s.f.; and

**WHEREAS**, the siding of the proposed detached garage will match the siding of the house; and

**WHEREAS**, the Applicant and his fiancée commute to work out of Dutchess County, and need to have a spare vehicle available, which is why the Applicant is requesting a three-car garage; and

**WHEREAS**, the upstairs portion of the garage will only be used for storage, and there will be no heat in the garage; and

**WHEREAS**, an existing shed will be removed after the detached garage is installed; 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 October 16, 2024; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on October 22, 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 since the Applicant will now be able to store his vehicles in the garage rather than being forced to park them in the driveway;

The desired result could not be achieved by other means due to the layout of the house;

The side line 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 Paul Mikolajczyk for a 17’ side line Variance and a 722 s.f. size Variance from Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 1,472 s.f. detached garage.

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

Resolution Seconded by Zoning Board Member: Aziz Ahsan

The votes were as follows:

Board Member Aziz Ahsan	Aye
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Board Member Rocco Limitone	NV
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Board Member Alberto Paratore	Aye
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APPEAL NUMBER: 4126

APPLICANT: Stephen Teed on behalf of Cim-Tech

NAME OF PROJECT: A 3' side yard Variance from the Schedule of Bulk Regulations for an existing propane tank

LOCATION: 40 Corporate Park Dr., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6356-04-525017

ZONING DISTRICT: I-1

Resolution offered by Zoning Board Member Aziz Ahsan

**WHEREAS**, the Property is located in an industrial area; and

**WHEREAS**, the Applicant mistakenly believed that the Property was in the B-1 Zone rather than the I-1 Zone;  
and

**WHEREAS**, the propane tank was installed for heating and met the requirements of the B-1 Zone; 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 October 16, 2024; and

**WHEREAS**, the Zoning Board of Appeals held a Public Hearing on October 22, 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 since the tank is significantly smaller than structures on the neighboring properties;

The desired result could not be achieved by other means as the installation of natural gas is cost prohibitive;

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 Stephen Teed on behalf of Cim-Tech for a 3’ side yard Variance from the Schedule of Bulk Regulations for an existing propane tank.

**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: Alberto Paratore

The votes were as follows:

Board Member Aziz Ahsan                      Aye

Board Member Rocco Limitone              NV

Board Member Alberto Paratore            Aye

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

**CERTIFICATION**

**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 that this applicant has been withdrawn.

**REVIEW - Appeal 4127 – Anuj Singh & Curtis Blalock (6356-03-238185)**

Anuj Singh & Curtis Blalock, 5 Old Grange Rd., Hopewell Junction, requesting a 11’ side yard variance for a proposed 24’X 26’ (624sf) detached garage pursuant to Section 194-107 and the Schedule of Bulk Regulations. Footprint of existing house is 1,731.

This application needs to have a survey done before it can move forward.

**ADJOURNMENT**

**MOTION** made by Aziz Ahsan, seconded by Art Mahony, to adjourn the Zoning Board meeting at 7:26 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary