Town of East Fishkill

**ZONING BOARD OF APPEALS**

January 28, 2025

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 wished everyone a Happy New Year. She stated the next meetings will be on Tuesday, February 25, 2025 and Tuesday, March 25, 2025. If there is bad weather and the Town Hall is closed, the meeting will be cancelled. It will not be postponed or rescheduled. Everything on that agenda will be moved to the next month and she asked if anyone is scheduled for a Public Hearing for that night, that they change the date on their sign to the next meeting date.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held November 26, 2024. Voted and carried unanimously.

Chairperson Drummond went through the procedures for the meeting. There is one item on the agenda that is a Public Hearing. This is an application 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 are no public comments on any reviews this evening. They will be given the opportunity to speak at the appropriate time.

**PUBLIC HEARINGS:**

1. **PUBLIC HEARING - Appeal 4128 – Lacey Roosa & Luke Kohlmaier (6458-02-878584)**

Lacey Roosa & Luke Kohlmaier, 1281 Route 82., Hopewell Junction, requesting a 7’ rear yard variance for an existing 12’6”X12’6” (306.25sf) shed pursuant to Section 194-107 and the Schedule of Bulk Regulations.

**Luke Kohlmaier 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. This shed was put up by the applicant probably between the last year to two years. His life has expanded significantly with twins and got a little crazy. The Building Inspector went out and determined that where it is placed is the best location with the topography of the yard. The color of it matches what is there.

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

Chairperson Drummond asked if there was anyone from the public who had any questions or comments. There was no one.

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

APPEAL NUMBER: 4128

APPLICANT: Lacey Roosa & Luke Kohlmaier

NAME OF PROJECT: A 7’ rear yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 288 s.f. shed

LOCATION: 1281 Route 82, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6458-02-878584

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member ­­­­­­­­­­­­­­­­­­­­­­­­­­­­­Aziz Ahsan

 **WHEREAS,** the Applicants installed a shed that matches the house approximately one year ago; and

 **WHEREAS,** the Applicants selected the location for the shed after misunderstanding the property line; and

 **WHEREAS,** a berm and trees have been installed to screen the shed 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 January 22, 2025; and

**WHEREAS,** the Zoning Board of Appeals held a Public Hearing on January 28, 2025; 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 shed is already existing, is screened from the neighbor, and is a reasonable size for the Property;

The desired result could be achieved by other means, but the most logical area of the Property was selected;

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 Lacey Roosa & Luke Kohlmaier for a 7’ rear yard Variance from the

requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an

existing 288 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

**REVIEWS:**

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

Anuj Singh & Curtis Blalock, 5 Old Grange Rd., Hopewell Junction, requesting an 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.

**David Freeman was present.**

Mr. Freeman stated he is the architect for the project. Chairperson Drummond stated the gentleman that was present last month was not as knowledgeable about this particular application. Mr. Freeman stated the proposal is to construct a 24-foot, facing the front, by 26-foot-deep garage on the south side of the home. He stated he understands the board typically have a question regarding storage on the second floor. There is going to be some attic space that is accessible by a ladder. It is only six feet two inches. There will be no residential use up there. Chairperson Drummond asked the question last month was why it was being place where it is. She stated they do not like to see garages the front yards typically. She did state that they now know there are wetlands in the back of the property and if that had been stated last month, they probably would not have needed to come back this month. Mr. Freeman stated he did understand the concern with it being in the front yard. Chairperson Drummond stated they are past that and have already marked it as a front-line variance. Mr. Freeman stated that normally towns do not allow garages in the front yard, but he would prefer not to go to an appeal for the determination of it being in a front yard. Chairperson Drummond stated that is what this process is. She stated they are here to review a variance for this being in the front yard. Mr. Freeman stated he does not believe this is a front yard. Chairperson Drummond stated by the end of the last meeting they had already determined that based on the location of the house, the direction of the house, the driveway layout, etc. it made sense that it is in the front yard. They are not objecting to that. They just needed to understand why this was the best location for it. She stated at the end of the day, it is the best location because most of the property is not usable because it is wetlands. The applicant does not have much opportunity to put the garage anywhere else. Mr. Freeman stated that the person from last month never communicated that to him. Chairperson Drummond stated it was determined after that person left.

Mr. Ahsan stated he did a site visit, and the proposed garage is in front of the porch, so it is in the front of the house for the record.

Chairperson Drummond asked if there were any questions regarding what it was going to look like. Mr. Freeman stated it is a rather small garage. It does not have a particularly steep roof. The house does not have a particularly steep roof. The siding is a difference of the siding being vertical or horizontal. Chairperson Drummond stated she understands the neighbors do not object. Mr. Freeman stated the neighbors are Rainbow Pools and are not here, so his assumption is they do not object. Mr. Ahsan stated there is a cemetery on the other side of the church in the back.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing at the February 25, 2025, meeting. Voted and carried unanimously.

1. **REVIEW - Appeal 4129 – Wayne & Colleen Karabinos (6559-04-518225)**

Wayne & Colleen Karabinos, 14 Pleasant Hill Rd., Hopewell Junction, requesting a 76 sf size variance for a proposed 28’X 30’ (840sf) detached garage pursuant to Section 194-107 and the Schedule of Bulk Regulations. Footprint of existing house is 1,274.

**Wayne Karabinos was present.**

Chairperson Drummond stated the code allows for a garage of 750 sq. ft. or 60% of the footprint of the existing house. They are exceeding the 60% of the footprint of their house by 76 sq. ft. A normal two-bay garage is 24' x 24' but the applicant has identified that he would like to put in a work bench and some storage cabinets as well as some other items he would like to store inside. She stated the Zoning Administrator did an inspection and there were a bunch of trailers and stuff in the yard. Mr. Rickett stated the applicant is going to consolidate a lot of the stuff into the new structure. Chairperson Drummond asked if there was a canvas tent on this property as well and Mr. Rickett said yes. The applicant stated that will be gone as well. The trailers are being used for storage right now and once they get the garage, two trailers will be gone.

Chairperson Drummond asked if this was going to be a one-story or two-story garage and Mr. Karabinos stated it would be one-story. Chairperson Drummond asked if it was going to match the existing house. Mr. Karabinos stated the house is an odd green color and they will try to find that color or possibly go with a white or something to match. Mrs. Karabinos stated it will match with the color of the house somehow.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Solomon asked about the shed that looks like it is 14 feet away from the neighbor’s property line. Mr. Rickett stated they could give him a 1-foot variance. It is the overhang on the roof that is what is over the variance. Chairperson Drummond stated she would prefer to give the variance to clean it up since the shed is going to be kept. Mr. Rickett stated it has been permitted.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing at the February 25, 2025, meeting. Voted and carried unanimously.

1. **REVIEW – Appeal 4130 – Coremark Hopewell, LLC (6457-01-210545)**

Coremark Hopewell LLC, 793 Route 82., Hopewell Junction, requesting a 7% lot coverage variance, a total signage variance of 42.3 sf, a variance for an additional wall sign, a 42.3 sf variance for total wall signage, a 2’ variance for wall sign height, a variance for two additional freestanding signs, and 24’variance from the front yard landscaping requirement and a 10’ variance from the side yard landscaping requirement pursuant to Section 194-116 and Chapter 153.

**Matt Checca and Zachary Chaplin were present.**

Chairperson Drummond stated this is the old William Tell site. It is now being proposed to be a Chase Bank. Most of this is signage issues. This Board used to deal with signage, and they have been able to hand that over to a different department to review. She stated probably the biggest issue for this board will be the front yard landscaping. When one drives down Route 82 this is not the only property that would not have that front yard landscaping. There are a couple of other properties in that same area on the same side of the street that do not have it. This application is before the Planning Board so it will be a coordinated review. The Planning Board has made a motion to declare their intent to be Lead Agency and they have not yet circulated. Attorney Cunningham stated that is correct. Chairperson Drummond asked if this Board can be preemptive and say that yes and, the Planning Board can be Lead Agency and then Clerk Keenan can just send back the notice to them when it is and received and Attorney Cunningham said yes. Chairperson Drummond stated because of all of the other issues related to the site plan review it would be in the best interest of this Board to let the Planning Board deal with this. If this Board has issues related to their additional signs that are being requested or issues with the landscape buffer, the Board would conduct their own review and still have to do a Public Hearing related to the variances before this Board. She asked if the Board was in favor of the Planning Board being the Lead Agency.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to allow the Planning Board to be the Lead Agency. Voted and carried unanimously.

Chairperson Drummond asked if there were any other questions relating to the requirement for the landscape buffer or the additional signs. There were none.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing at the February 25, 2025, meeting. Voted and carried unanimously.

1. **REVIEW – Appeal 4131 – Joseph Minasi (6458-04-661265; 624227)**

Joseph Minasi, 29 Thunder Rd., Hopewell Junction, requesting an appeal from the Zoning Administrators determination of the front yards pursuant to Section 194-14.2 and Local Law #7 of 2022.

**Joseph Minasi was present.**

Chairperson Drummond asked Attorney Cunningham if, given Mr. Rickett's review of the property, the Board is going to discuss this. Attorney Cunningham said yes.

Chairperson Drummond stated this is the Boards first review of this application. This is a private road and there are three houses on this road. Each house is facing a different direction. The Zoning Administrator made a determination of what was the front yard for each lot. The reason this is being reviewed is because the applicant is requesting a lot line realignment of a small piece of property that he would like to take from the lot in the front and give it to the lot in the back which is already a very large lot. The issue becomes whether the proposed garage is in front of the house. The issue is also going to be the front yard of the house for the house on the middle lot because the front yard will determine what is a backyard and what is a side yard for how much distance they need to meet the setbacks. Each board member has a copy of the Zoning Administrator’s letter. He reviewed each of these properties independently. Chairperson Drummond stated she walks past this property many times a week. From Clove Branch Road you can see the back of the first house. Especially with the leaves down. It is also due to the elevation and topography of the land. The Zoning Administrator has made the determination that the second house is facing Thunder Road. Chairperson Drummond stated the important thing to note on the map is that the green on the map is the roadway as it is supposed to be. That is the land that was designated for the roadway. The actual roadway is the grey on the map. There is not even a roadway on the properties associated with this property. The issue becomes asking what the house in the rear’s front yard is. The Zoning Administrator has made the determination that the front yard for this house is Clove Branch Road. The front of the house actually faces Route 82. Mr. Minasi stated that the subdivision map for number 29 said if there was any future subdivision to that 9.7-acre parcel then Thunder Road would become a Town road. Sven Nordland came out to see the location six times while he was the Building Inspector. Chairperson Drummond asked how wide Thunder Road is. Mr. Minasi stated it was 10 to 12 feet wide. There are lots on it because two cars cannot pass each other. The applicant’s house cannot be seen from the roadway. The issue came up when Mr. Rickett did his inspection that certain additional structures were not showing up on the survey that the Town has. Mr. Minasi stated that he did draw in the woodshed on the plans that they have. Mr. Rickett stated other structures are still missing including the fence next to the detached garage on Lot 1A. Chairperson Drummond stated if the house is facing Clove Branch, then he has a pool in his front yard. He has an existing garage which also has an accessory apartment in it. And that is in his front yard. If Thunder Road is his front yard, he still has a garage in his front yard and the other area becomes a side yard. The proposed new garage would be in a side yard and not in the front yard. Right now the proposed garage would also be in the front yard. Mr. Minasi stated Thunder Road would have to become a Town road, if anymore is to be done. That was a major part of the subdivision. If Thunder Road becomes a Town road the house is facing the Town road. Mr. Ahsan stated if their determination is that the house is facing Clove Branch, the applicant can't just change it. Mr. Minasi would like them to see a picture from Clove Branch Road because they would be looking at a pool, propane tank, and Bil-Co door. His belief is that that is not the front of the house. Chairperson Drummond read from the letter supplied to them by Mr. Rickett “the definition of a yard or front yard in the Code is as follows; the yard line between the front lot line and the primary access point to the main entrance of the principal building. Each lot shall only have one front yard.” The Building Code was amended recently because they ran into issues where buildings had more than one front yard. “The façade of the house must face the street. Houses on corner lots should be oriented in the same direction as adjacent homes, which is usually the street with the least frontage. When no other method determines conclusively the front of a lot, the Planning Board shall designate the property line for which the front yard will be measured after considering optimum orientation of the principal dwelling to minimize negative impacts on surrounding properties.” Mr. Rickett stated that when Lot 1A was created, it created a flag lot, so the frontage is the end of the pole, which is Clove Branch Road. Mr. Minasi stated he understands what is in writing, but he is here to appeal it. Attorney Cunningham stated it is the applicant's job to give his best argument as to why things should be interpreted the way he thinks they should be. The next step would be a Public Hearing so he would recommend the applicant bring pictures and put a packet together with some descriptions and diagrams as to why he thinks that his interpretation is correct. It has to be based on the definition of the code as well. Even if he thinks the definition of the code defies common sense, it will be based on the definition of the code. Chairperson Drummond stated that is what the Board has to go by. Chairperson Drummond stated sometimes the applicant can make an appropriate argument that this Board can consider that has merit.

Chairperson Drummond stated that the access point to this property is Clove Branch Road, and the applicant said yes. Chairperson Drummond said that the front lot line of this property is the sideline of Lot 2. Mr. Minasi stated again that the subdivision map stated that the private road would become a Town road if you were to subdivide the 9 acres. At that point, his house would be facing the road. He stated that at some point that 9.7 acres will probably be subdivided. There was logic in the way the houses were placed. If he had done it to the code today his house would face the garage in front of him on Lot 2. Chairperson Drummond stated that garage is technically also in a front yard. She stated her understanding is that some of these structures were built without permits. Mr. Minasi stated his garage was and he is in the process of permitting it right now. Everything else has a CO. He stated he gave Mr. Nordland a site plan with the house and garage on it and it was all approved. Chairperson Drummond stated that the Building Department does not have the authority to approve a site plan. They could have possibly approved a plot plan. She asked how long ago the garage was built. Mr. Minasi stated 30 years ago. Chairperson Drummond stated he still would have needed a permit because that was after zoning went into effect. Mr. Minasi stated the foundation was there because he built it without a permit, but he had a permit originally but had expired and then he built the garage. He built the foundation when he built the house and built the garage two or three years later. Chairperson Drummond asked if the existing house had a garage and he said no, it has a detached garage. Chairperson Drummond asked if, at any time, the house had an attached garage and if he did, at any time, make that into residential space and Mr. Minasi said no. He stated if they adjusted the front of the house to facing Thunder Road a lot of these issues for variances with no longer exists. He stated 32 years ago he was permitted for this garage, and it is on his plans and blueprints. Clerk Keenan stated there is no permit for the garage. Attorney Cunningham stated that for the purpose of this meeting they are just trying to determine what the front yard is. There are other issues that are being put to the side for right now. Chairperson Drummond stated that the paperwork says that the Planning Board can designate which is the front yard. This application is looking for a lot line realignment. She asked if because it was such a de-minimous change, is that why it did not go to the Planning Board. Attorney Cunningham stated he believes it fell under the threshold and that is why the Town Planner can review this. Chairperson Drummond stated if they could go before the Planning Board they could make the designation of the front yard, but the Zoning Board has it because of the Zoning Administrator’s determination. Attorney Cunningham said that is correct and it is because the applicant did not agree with the Zoning Administrator’s interpretation. It is his right to appeal it and give his evidence as to why he feels he is right, based on the definition in the code. Chairperson Drummond asked the applicant if with a 9-acre piece of property there was not somewhere else this garage could go. Mr. Minasi stated if they went on the Clove Branch side, he has a nice, wooded lot there. There is already a subdivision right behind his house that cut down all of the trees. He would like to keep the wooded lot that he has. That location is a good location between two other garages and still allowing plenty of room. His garage is going to be for 20 antique motorcycles that he does not want to ride past his house to keep in a garage elsewhere. He feels he should be able to choose where he wants to put his garage. He does not want a longer driveway. He has one 800-foot driveway and one 600-foot driveway, so he does not want longer driveways. Chairperson Drummond did remind the applicant that this board has reviewed not just the current owner of the property but what may be done by any future owner as well. Use of this as a garage could be impactful years down the road with other owners of the surrounding lots. There could be a future use in the garage that could be impactful to a future neighbor as well and that is also what they have to consider.

Mr. Ahsan stated that the current Lot 2 is approximately 2.6 acres so even if this little portion for the realignment goes to Lot 1, Lot 2 will still have over 2 acres. Chairperson Drummond stated it will, but it is a flag lot and for a flag lot you have to minus the area of the pole, and it has to be a minimum of 1 1/2 acres. Mr. Minasi stated he has worked through that with Engineer Bryant, and it works. Mr. Ahsan stated that lot will still be conforming. Chairperson Drummond stated there will be 50 feet between three garages. Lot 1 is also a flag lot.

Chairperson Drummond stated they will still need to have a Public Hearing on this determination.

Mr. Minasi asked what was the front yard on Lot 2. Chairperson Drummond asked what way the house was facing and which way the façade was facing and Mr. Minasi stated it is a very odd house. The front door faces west. It faces Clove Branch towards Dane Estates.

Mr. Minasi’s son voiced concerns over Lot 2 and Lot 3 not having the same orientation. Mr. Rickett stated the other thing they took into consideration was the original subdivision showed the road to be created if further subdivided. When the applicant came in to create Lot 1A, that was the further subdivision that should have triggered the road being dedicated. The house on Lot 2 should have been facing the road that was to be built. Mr. Minasi stated that it was done in 1992. The further subdivision was placed on his lot in 1992 not in the 80s. Mr. Rickett stated the map from 1980 showed the road to be created if further subdivided. Therefore, in 1992, the road should have been created then. The house on Lot 2 should have been facing the road that was to be the created, i.e., Thunder Road. The road was not created the way it was supposed to be when it was further subdivided. It is still a private road. Mr. Minasi stated it is not like he was supposed to build a Town road and did not. Chairperson Drummond stated no one is saying that. Attorney Cunningham said the applicant is appealing decision because he doesn't understand it is requesting an interpretation. He stated that between now and the next meeting the applicant may want to put together a timeline because he seems to think that is of importance. He should also include additional pictures that he feels would be important to show to the Board to justify his case. Mr. Minasi asked if the front elevation matters. Chairperson Drummond stated it could. Mr. Cunningham stated the Board is keeping an open mind and has not made a determination yet so the applicant can make their argument as to why the orientation of the flagpole lot does not matter. Chairperson Drummond stated they can't be seen from the road so it's not necessarily impactful to the neighbors. She stated she believes they have to keep an open mind because it should not be that big of a impact how this particular house is facing. The general public that drives on Clove Branch Road can't see it. The Zoning Administration has to interpret the code and when you do not agree with that interpretation, you are welcome to come before the Zoning Board of Appeals. Mr. Minasi stated that they have pictures in front of them and he asked if they can see the side that is facing Clove Branch Road, and he asked if they see the side of the house with the porch and the front door. Chairperson Drummond stated based on the picture he showed her, the garage doors are facing Thunder Road.

Mr. Ahsan asked if all of the violations would be taken care of before the next meeting and Mr. Minasi said yes. He asked if they would have a determination at the next meeting. Attorney Cunningham stated that every application has to have a Public Hearing, so that will be the next step.

Mr. Ahsan stated his suggestion would be for the applicant to bring the pictures that he feels will best help plead his case.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing at the February 25, 2025, meeting. Voted and carried unanimously.

**ADJOURNMENT**

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:55 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary