

Town of East Fishkill

**ZONING BOARD OF APPEALS**

March 25, 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 stated the next meetings will be on Tuesday, April 22, 2025 and Tuesday, May 27, 2025.

**MOTION** made by Rocco Limitone, seconded by Aziz Ahsan, to approve the minutes of the meeting held January 28, 2025 as amended. Voted and carried unanimously.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held February 25, 2025 as amended. Voted and carried unanimously.

Chairperson Drummond went through the procedures for the meeting. There is one 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 other two items are discussions, which are usually the first time the Board sees an application. There are no public comments on any discussions this evening. They will be given the opportunity to speak at the appropriate time.

**PUBLIC HEARINGS:****PUBLIC HEARING – Appeal 4131 – Joseph Minasi (6458-04-661265, 624227)**

Joseph Minasi, 29 Thunder Rd., Hopewell Junction, requesting an appeal from the Zoning Administrator's determination of the front yards pursuant to Section 194-14.2 and Local Law #7 of 2022 for lot 1 & 2; a variance to allow structures in the front yard including the existing detached garage, existing pool, pool deck, shed, and the proposed 1500sf. detached garage; and a 40' front line variance and a 331sf. size variance for the proposed detached garage pursuant to Section 194-107 and the Schedule of Bulk Regulations. Footprint of existing house is 1,948 sf.

**Joseph Minasi was present.**

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

Chairperson Drummond stated they did review this application last month and it has been amended since then. Chairperson Drummond met last week with Mr. Minasi, the Town Attorney, the Town Planner, and the Town Engineer. They discussed that regardless of where the front yards were going to be, the structures that have been built out there will need some variances. It would be one set if he went one way and a different set if he went the other way. He has to do a minor lot line realignment to adjust some of the property from Lot 2 to Lot 1. They all felt it would be more productive to have him amend his existing application. That way they don't have to start all over again with the application. With that said, they do need to finish up the determination of the front yards. The original subdivision of this property that created the three lots had a determination that said if there was any further subdivision of that property, it would require that a Town road be built to Town standards. For 911 purposes, this road was given a name, Thunder Road. In 1992 Mr. Minasi came in and asked for a further sub division, but what he asked for was a shared driveway. By Town Code a shared driveway is allowed, but according to the plan that was submitted, it was supposed to be two driveways at a certain part of it. According to Town Code you are allowed three driveways off of a shared driveway. Because of that subdivision request, it eliminated the need for a Town road because it became a shared driveway. When it became a shared driveway, the house all the way in back lost its ability to face what could have been a road. It has

to face frontage so the front yard has to be Clove Branch Road side. Based on that, they looked at the proposed plan and the existing structures that are out there to see what kind of variances would be needed. The property in the back is well over nine acres and you can't see it even with all the leaves down. The structures are dark colors as well and blends in very well. Mr. Minasi explained to them that he is not looking to further subdivide the property to create more lots and he's not looking to take down any more trees. The location of the proposed garage meets his needs without taking down any additional trees. At the last meeting Mr. Minasi stated that the last Building Inspector knew about the existing detached garage, and he probably did because the original intention of that house was for it to have a connecting breezeway that would have made it an attached garage. Then they would not have ended up with a detached garage in the front yard. She asked Mr. Minasi if he was able to get an updated plan. They need to make sure that the measurements are all correct and all structures are identified. Mr. Minasi said not in the two days since they met, but it won't be a problem to get everything located and marked. The only thing not showing is the woodshed to the north of the house. The surveyor didn't think an open woodshed had to be on the plan. Chairperson Drummond stated it is a structure, so it needs to be on the plans. It is not in the front yard, but if he plans to subdivide further, he will have to worry about a rear yard for that shed. It will require setback variances at that time.

Chairperson Drummond stated at this time they do need to discuss the 1500 sq. ft. proposed garage. It is very large, and they don't even have the actual measurements of it. Mr. Minasi stated it is 30' x 50'. Chairperson Drummond asked why is it so large. A normal two bay garage is 24' x 24'. Usually people need that when they are parking an RV or something with depth to it. Mr. Minasi stated he will not be parking his cars in there. He will be storing antique motorcycles. This garage will be 150 feet away from the house. It is more of a workshop and storage space. There will be a little driveway that is there that he will use for building it and then it will have nothing but motorcycles stored in. Chairperson Drummond asked what it was going to look like. Mr. Minasi said it will be similar to the roof pitch as his house with nine or 10 foot high walls. Chairperson Drummond asked if it was going to have a second story and he said not a second story, but there will be storage space. The rafters will be sitting on a plate and a second story is nothing but the attic. It is 30 feet wide so it will have a bit of an area. He will use that to store tanks, fenders, and parts like that. Chairperson Drummond asked what he thought the total height of the building was going to be. Mr. Rickett stated it is one and a half stories high for the maximum requirement. He stated if there is an 8 foot high area above the first floor it is considered a second story. Chairperson Drummond asked how that area was going to be accessed and Mr. Minasi stated either a

little set of stairs inside or possibly a ladder. Chairperson Drummond stated they needed to know whether it was a ladder or a set of stairs, as there is a difference. Mr. Minasi stated he would rather have a set of stairs. Chairperson Drummond stated that makes it a second story. Mr. Limitone asked if they had plans to show what this will look like and Chairperson Drummond said no. Mr. Minasi stated he can get them the plans, but he is just trying to get to the point of deciding where it can be placed.

Chairperson Drummond stated in order to get to that point, they need to consider whether it belongs there or not. For that they need to hear what it is going to look like and what kind of impact it will have on the neighbors. He does own the property on the other side of the driveway but not on the site this will be on. Mr. Minasi stated the next house over is probably 400 feet away. He might be able to see the proposed garage at this time of year.

Chairperson Drummond asked if they had measurements on the pool deck and Mr. Minasi stated he will probably take that down. It is not worth the trouble to keep it.

Chairperson Drummond asked if there were any questions or comments from the Board. Mr. Ahsan stated he thinks the applicant has put all of the information that they need there and they understand what the applicant is trying to achieve. Chairperson Drummond stated that his sign does say "variances from the determination". Attorney Cunningham had stated since it is worded that way it does cover this Public Hearing and notices.

Mr. Mahony asked if they were approving the garage at this meeting. Chairperson Drummond asked if he was referring to the proposed garage or the existing garage. Mr. Mahony stated the proposed garage. Chairperson Drummond stated they will be approving the fact that it will be in the front yard and the fact that it will be 330 square feet larger than the footprint of his house and that it is too close to the frontline of the house.

Mr. Ahsan asked if they were going to speak about the pool deck and Chairperson Drummond stated that they could, but the only variance the applicant is seeking is the fact that they are in the front yard.

Mr. Limitone stated that he does understand you cannot see this from the street but he does feel that they would be remiss without actually looking at plans or pictures. Usually when people come and they have a picture of what they are building from the store or catalogue. They are asking a lot of questions and it is all uncertain. Mr. Rickett stated it could also change what variances are actually needed. Chairperson Drummond asked Mr. Minasi if he had plans for the garage. Mr. Minasi stated he did not have them

with him because he did not think he would need that for this meeting. He was not aware that they would be concerned with what it would actually look like. Chairperson Drummond stated that they do not approve what it actually looks like, but in their review and their determination of whether they should approve it or not, what it is going to look like is important to them. It should either blend in with the property or it should match the house so that it looks like it belongs on the property. A large garage can sometimes make properties look a little bit more commercial or industrial. This proposed area is so far back that no one will probably see it from Clove Branch Road but, if at some point, Thunder Road actually becomes a real road it could be an issue. Mr. Minasi stated he is putting it so far back so that it does get lost in the woods. Chairperson Drummond stated it will be 10 feet from the lot line in front of his property. That makes it pretty close to that property. Mr. Limitone stated they don't know if it's actually going to be 1500 square feet. They don't know it is going to need a height variance. They are not sure what variances they need without the specifics of the garage. Chairperson Drummond stated he is showing the location and the size but they do have the measurements on the map themselves. Mr. Rickett stated that is just the footprint. If there is storage upstairs, they have to include that the square footage and they have to know how much there is. Mr. Minasi stated he will put rafters and no plywood and that way it will not count toward square footage. Mr. Limitone stated they just need to know what is going to be out there. They need to know if there's going to be electricity and Mr. Minasi said yes. Chairperson Drummond asked if he was going to put heat in it and he said he might put in a wood burning stove. Chairperson Drummond stated it is the applicant's job to tell the Board exactly what they are going to be doing. Mr. Minasi stated he thought this hearing was only for the location approval. Chairperson Drummond stated it is, but it is also for the size. A second floor changes the size. Mr. Minasi stated there will be no second-floor. Mr. Rickett stated the plans keep changing as the meeting goes along. Mr. Limitone stated they want him to build what he wants, but they need to know exactly what it is. All they have is the footprint and he could build something 80 feet high for all they know. Chairperson Drummond stated they need to review this because if he were to reduce the size of the garage it would reduce the size of the variance. They also have to take into consideration what is going to look at for the impact on the neighbors. It is in their purview to approve all of that. It is larger than a normal garage.

Mr. Minasi asked if they could have a condition at this meeting until they see a plan for the garage. He is still waiting for his architect to give him an as-built for the existing garage. Chairperson Drummond asked him if he made any applications to the Building Department to clear up any existing violations.

Mr. Rickett stated nothing has come in yet. Mr. Minasi stated he needs a set of plans to do that. Mr. Rickett stated if he takes down the pool and pool deck that is two less things he needs to apply for. Chairperson Drummond asked if that meant he was going to take down the pool and deck. Mr. Minasi stated as long as he is getting variances, he might as well get those and then he'll have them and take down the pool at some other time.

Attorney Cunningham stated that they need to have a chance to actually review the survey and the plans for the garage. The applicant will have to come back again, which they know he does not want to do. Attorney Cunningham stated the applicant should provide the survey with all of the measurements from all of the existing structures. The code enforcement officer will review it. They will not have to readvertise but just leave his signs up. He will have to come back next month and hopefully everything will have the exact measurements as well as the exact measurement of the height of the actual structure. Then the Board will be ready to vote. Chairperson Drummond stated she agreed, they do need a set of plans. This would save him from having to start with a whole new application and a full second Public Hearing.

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

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn this Public Hearing to April 22, 2025. Voted and carried unanimously.

## **DISCUSSIONS:**

### **DISCUSSION: – Appeal 4133 – Joe Calcutti (6457-02-650670)**

Joe Calcutti, 131 Martin Rd., Hopewell Junction, requesting a 13' side yard variance for an existing 8' X 10' (80sf.) shed, a 15' side yard variance for an existing 8' X 15' (120sf.) shed and a 25' side yard variance for an existing 16' X 23' carport pursuant to Section 194-107 and the Schedule of Bulk Regulations.

**Joe Calcutti was present.**

Chairperson Drummond stated Martin Road comes out opposite Daddy O's. She stated she drove down there looking for the structure and looking for a carport. The structure was a little unusual. She could not see it from the road. She stated it is clearly hidden in the backyard very well. The area and the backyard is very neatly kept. On Martin Road multiple properties have multiple sheds or structures on their property. They have a lot of equipment and things in their yard and she did complement him on the fact that she couldn't even see it on his property. She asked the applicant if this is a permanent structure with footings in the ground and Mr. Calcutti said yes. He stated there is a hill in his yard and there was no other place for him to put that. The property is narrow and set back. Chairperson Drummond stated the house is set very far back which helps people to not see it.

Mr. Ahsan asked about the jungle gym on the map and Mr. Calcutti stated it is just a swing set. There is also a small fenced in garden. Chairperson Drummond stated the jungle gym meets the setback requirements.

Chairperson Drummond asked if this had a floor on it and Mr. Calcutti said no. He had tarps covering his equipment but built this small structure to make it look better. The top of it is corrugated plastic.

Chairperson Drummond asked if he has spoken to his neighbors yet. Mr. Calcutti said yes.

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

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for April 22, 2025 meeting. Voted and carried unanimously.

#### **DISCUSSION - Appeal 4134 – John & Rima Adorno (6456-02-809961)**

John & Rima Adorno, Kent Rd., Hopewell Junction, requesting a variance to build on an under-sized lot 0.45 acres in a R1 zone and a 25' lot width variance pursuant to Section 194-130 and the Schedule of Bulk Regulations.

**Jeffery Econom and Mr. Adorno were present.**

Mr. Econom stated his client purchased the last lot in the subdivision that was approved in 1957, which is prior to them purchasing it. Mr. Econom did speak with Ms. Robbins regarding whether it was buildable. He also spoke to Jim Upright from the Department of Health to verify that it is still valid. He was told if he met the required setbacks and everything else it should be. Ms. Robbins mentioned the ordinance in regard to the smaller lots meeting different setbacks. He did have a survey done and they meet all of the setbacks under the Zoning. He also got the well and septic and met the setbacks for those as well. He has made an application to the Board of Health and has received Board of Health approval for the lot. He did do a perk and deep and is able to put in an expansion area, which none of the other lots have. Mr. Upright said as long as all of the other lots were built in accordance to the approved plans, and he meets the setbacks it was approvable. Mr. Econom did submit the Board of Health letter to the Town.

Chairperson Drummond stated this lot was approved in 1957 and most of the lots in this area were either built in the 50s or in the 70s. Mr. Econom stated there was one built in 2009 and that did receive a variance from the Town and got Board of Health approval.

Chairperson Drummond asked what he is proposing in terms of the size of the house. She believes what is going to be most important is that all of the homes along there are of a similar size and she wants to make sure that what he is proposing will match. Mr. Econom stated it is only a three-bedroom house and matches the surrounding lots. He did submit plans to the Building Department. They are not looking to build a big house, just a little three-bedroom that blends in with all the other homes. Chairperson Drummond asked what the square footage of this was going to be. Mr. Econom said maybe 1800 square feet. Mr. Rickett stated it is a 2652 on the plans that he reviewed. Mr. Econom stated that is including the basement in the square footage. Mr. Rickett stated from the rear of the house, it is actually a three-story house. Chairperson Drummond stated most of the homes in that area are single-story houses. Chairperson Drummond stated there is a need for smaller homes in the town and she is not disagreeing with the fact that it is a smaller lot for a smaller home. It has to be size appropriate in the neighborhood. She thought what she saw was larger than what is in the area. Mr. Rickett stated on Kent several of them are just ranch style homes. Some of them are under 900 square feet total. Mr. Econom stated the one that was built in 2009 is a two-story house. It is the second house in on the left. Chairperson Drummond asked how far away from this house is that one. Mr. Econom stated it is four or five houses before it and on the opposite side. He stated once you get around the corner, you get into larger homes. This is an in



between from the smaller houses to the larger houses. It is deceiving because of the slope of the property. Mr. Paratore stated most of them in that area are much smaller.

Chairperson Drummond stated they are supposed to have 125 feet of lot width and this lot only has 100 feet. Normally, when they give a variance for an undersized lot they can meet all of the other conditions. Mr. Econom stated this lot was approved. Ms. Robbins sent him the code with reduced setbacks because of the undersized lot. She said if they could meet those setbacks, which they do, building on it should be ok. Chairperson Drummond asked why they need a variance and Mr. Econom stated because it is an undersized lot. Chairperson Drummond stated they would also need a lot width variance. Mr. Econom stated when these lots were approved that was the lot width. The code says that there are reduced setbacks. The front yard and rear yard is for 50, which they meet. The side yard goes to 15 and they meet that as well. He was told this would just be a formality because it is an approved lot in an approved subdivision filed with the County, as long as he could meet Board of Health and meet the current zoning.

Mr. Ahsan stated he was looking at the photographs from the Building Inspector and all the neighboring houses seem to be raised ranches or single-story. This is a two-story with the basement and he does not see anything else like that, so it will change the character of the neighborhood. He stated a one-story with a walkout basement would blend in with the neighborhood. Mr. Econom asked if the Inspector took pictures going around the corner at the larger houses. Chairperson Drummond asked what the house number would be. Mr. Econom stated 21 is the lot number and the house address would be 23. The Board looked at the photos provided by the Inspector that showed the house styles and square footage of each of the neighboring houses. Mr. Econom asked to show them pictures of Jeffreys Road. Chairperson Drummond stated that is a different neighborhood. It becomes a different neighborhood because of the size of the lots and the homes. It also turned into a different road. She does not disagree that this is a transitional spot from one neighborhood to the next but their concern is this neighborhood. The size of the homes surrounding these lots is much smaller. Mr. Econom stated the neighbor's house just expanded to 1900 square feet.

Chairperson Drummond asked what the actual size of the house would be and Mr. Adorno stated 1900 square feet. Mr. Adorno stated he did not want to put a ranch where they would have no space on either side of the house so he picked a narrow house plan. It only has a one car garage. Chairperson Drummond stated from the street, it appears it is going to be two stories, which is not in character with

the rest of the neighborhood. She does understand that they are essentially keeping the same square footage as the neighboring house be just making it higher. Mr. Mahony stated the first and second floor, without the basement, are 2200 square feet. Mr. Adorno stated that might be including the garage and Mr. Rickett said it was. Chairperson Drummond asked if the other houses on this street had garages. Mr. Rickett stated some are detached. He stated they did do a variance for someone on the other side for a detached garage.

Chairperson Drummond suggested that Board members take a drive over to this parcel and look at the surrounding homes. She suggested allowing the application to go to Public Hearing and see what the neighbors say. Mr. Adorno stated he has spoken to the neighbors and they want to finish the development.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for April 22, 2025 meeting. Voted and carried unanimously.

Chairperson Drummond suggested that the applicant get letters from his neighbors for the Public Hearing. Mr. Ahsan suggested they bring photos of any two-story homes in the neighborhood as well. Mr. Econom provided a picture of the home that was built in 2009 which is a two-story with a basement walkout in the back.

## **ADJOURNMENT**

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:49 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary