

Town of East Fishkill

ZONING BOARD OF APPEALS

April 22, 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Chairperson Drummond stated Item 5 has been withdrawn by the applicant.

Chairperson Drummond stated the next meetings will be on Tuesday, May 27, 2025, and Tuesday, June 24, 2025. The May 27, 2025, meeting will be held at the Community Center. It is Town Grievance Day, so this room is in use.

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

Chairperson Drummond went through the procedures for the meeting. First are the Public Hearings. These 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. Then there are reviews, which are usually the first time the Board sees an application. Every application is before this Board because the applicant is asking for something that is not allowed by the code. The Board needs to understand what is unique about the property or the circumstances of the property that would require this Board to agree to the appeal that is being

requested. There are no public comments on any reviews this evening. They will be given the opportunity to speak at the appropriate time.

ADJOURNED PUBLIC HEARINGS:**ADJPOURNED 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 1500 sf. 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 Rocco Limitone, seconded by Aziz Ahsan, to re-convene this Public Hearing. Voted and carried unanimously.

Chairperson Drummond stated that, with the applicant's permission, she did take a walk up the applicant's driveway. She stated the houses are beautiful. There are three houses on a shared driveway, which is allowed. In 1991 this property was subdivided and granted a shared driveway. The first house is supposed to be facing Clove Branch, but it does not. It faces the other direction. Most of the time it is hidden by the vegetation that is there. The second house faces the same direction. The third house is oriented more towards the driveway. There is an existing detached garage that was supposed to be attached by a breezeway, but that was not built. They are still waiting for information regarding the square footage of the second floor of that. Now the applicant is asking for an additional detached garage to be placed in the front yard of the property. This property is very large at over nine acres, so the opportunity does exist for Mr. Minasi to further subdivide. He has told the Board he does not want to place any structures in a manner that would limit his ability to further subdivide the property in the best manner, and right now he does not want to cut down any more trees. She stated when she walked up and

saw the property, what he is asking for made sense. She is not disagreeing with the orientation of the houses. At some point the driveway may become a road and then those houses would face the road. Right now, the code is what the code is and the administrator made a determination regarding where the front yards of these properties were. The Board wanted to hear if there were any neighbors who wanted to weigh in on any of these issues and the variances that have been requested. At the last meeting they adjourned because the Board needed some specific information. The applicant knew he was waiting on plans from his professional. Some information was delivered to the Building Department yesterday and the applicant had mentioned earlier that he just got some plans earlier today from his architect. No one has had the opportunity to review that. She will ask if there is anyone present to comment on this application tonight, but they want to be sure the variance he is getting is for the proper square footage to avoid having to come back and start the process all over. If he got plans today, Chairperson Drummond is hoping he will be able to get them to the Planning Department before the end of the week so they can make the correct determinations about the variances.

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 May 27, 2025. Voted and carried unanimously.

PUBLIC HEARINGS:

PUBLIC HEARING – 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.

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

Chairperson Drummond stated they did review this application last month. The applicant has built three structures in his backyard. She did a site visit and could not find these structures. There are a lot of other structures on other peoples' properties, but these are tucked into the backyard very nicely. According to the pictures that the Zoning Administrator took, the buildings are being taken care of and the yard is kept neat as the structures are being used properly. One of them does go right to the property line. They are screened from the road she does not think these are impacting the neighbors.

Chairperson Drummond stated they did receive one letter of support from Nua Nucullaj, who lives at 127 Martin Road.

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

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to close this Public Hearing.

Voted and carried unanimously.

APPEAL NUMBER: 4133

APPLICANT: Joe Calcutti

NAME OF PROJECT: A 13' side yard Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107 of the Town Code for an existing 8' X 10' (80 s.f.) shed; a 15' side yard Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107 of the Town Code for an existing 8' X 15' (120 s.f.) shed; and a 25' side yard Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107 of the Town Code for an existing 16' X 23' carport (collectively the "Variances")

LOCATION: 131 Martin Rd., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6457-02-650674

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Aziz Ahsan

WHEREAS, the house is set back further from the road compared to other neighboring properties; and

WHEREAS, the carport is a permanent structure tucked away in the back yard; and

WHEREAS, the sheds are existing and contributing to the tidy appearance of the Property; 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 April 16, 2025]; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on April 22, 2025; 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 carport and sheds are largely invisible from the road;

The desired result cannot be achieved by other means due to the existing narrow width of the Property;

The Variances could be deemed 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 Joe Calcutti for a 13' side yard Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107 of the Town Code for an existing 8' X 10' (80 s.f.) shed; a 15' side yard Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107 of the Town Code for an existing 8' X 15' (120 s.f.) shed; and a 25' side yard Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107 of the Town Code for an existing 16' X 23' carport.

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
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Board Member Rocco Limitone	Aye
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Board Member Alberto Paratore	Aye
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Board Member Art Mahony	Aye
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Chairperson Norma Drummond	Aye
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PUBLIC HEARING - 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.

Mr. Econom and Mr. Adorno 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 application last month. They had a long discussion regarding the character of the neighborhood. The majority of the lots in the front area of Kent Road were built in the 1950's and some in the 1970's. These are all undersized lots and all rather smaller homes, which is something this Town honestly needs, with the exception of a few. Further in there is another subdivision where the houses are significantly larger. Mr. Econom stated on the Emmadine Subdivision there were 28 parcels. There are 12 lots with 12 houses at 1,600 square feet or more. The average of the entire subdivision is 1,511 square feet. Of the 28 parcel homes, there are 19 with full basements. One house was granted a variance in 2009 for a 1,963 square foot on a lot similar in size to this one. There is one colonial, two splits, and two raised ranches. This one would be a proposed two-story home.

Chairperson Drummond stated it was two stories in the front with a third basement walk out. Mr. Econom stated the homeowner said the backside of the home would be adjusted. They will have the sliding glass doors with 2 feet on each side and then he will put a wall that will be filled in so it will not look as drastic. He stated he fully understands all of the comments and has done some research. The goal is to maintain green space which is why they went with a two-story home. The first floor is only 784 square feet. The second floor goes to 995 square feet because there is a room over the garage. It meets all of the zoning setbacks and requirements of the undersized lot. He could put a basin drainage on the property and still meet the setbacks. The building would be 30 x 50 so it would be a 1700 square foot footprint compared to a 995 square foot footprint. He is trying to provide additional green space and keep the houses from being very close together. That was the reasoning for doing a second story.

Chairperson Drummond stated so instead of being wider as many of the homes there are one story

ranches, he is preserving green space by getting the same square footage by going higher. She stated that by going higher it does make it a little bit more out of character with this neighborhood. Mr. Econom could open up other homeowners to do a second floor addition to gain more space. This may open up the character of the neighborhood to people who have smaller homes who would like to enlarge it. They could put bedrooms upstairs and have more usable space downstairs and keep the same footprint. Chairperson Drummond stated, to be clear, this Board does not have the jurisdiction over whether a building will be two stories or not. They gave him their impression because they are concerned about the lot width. They are looking to build on an undersized lot. They have less than half of the required acreage in an R1 zone. And they need a 25 foot variance because they only have 125 feet across and it is supposed to be 150 feet. Mr. Econom stated this was a preapproved lot and he talked to the Town Planner and the Department of Health. The Department of Health said if they can meet all of the setbacks which they do, they would get Board of Health approval and they do. The Town Planner said there are requirements for the undersized lots which they do meet. Chairperson Drummond stated in essence, the argument he should be making to them is that because the lot, which is smaller, and they want to preserve the green space on each side of the house that is one of the reasons they are proposing to go higher, which he did say in a roundabout way.

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

Mr. Ahsan stated that a certain neighborhood has a certain character. By allowing him to go two stories the entire neighborhood could decide to go up two stories and then they would all come here. Mr. Econom stated they would not need to come in for variances as they are not changing the footprint of their existing home. Mr. Rickett stated the applications may not have to come before the Planning Board because they are not changing the footprint of the home. Mr. Econom stated back in the 50s the typical house was a ranch. Mr. Ahsan stated that his point was that this was different than most of the homes in the neighborhood. Chairperson Drummond stated there are a couple of houses that are more than one story in the neighborhood. Mr. Ahsan stated that the basement sounds like it is going to be contoured so it is basically buried so it cannot be seen from the front and Mr. Econom said that was correct. Mr. Rickett stated the square footage according to the plans is 2652. Mr. Econom stated that is including the basement, but it is not going to be a finished basement so it should not really be included. Mr. Rickett stated it is still included in the square footage. Mr. Econom stated all the other homes that he gave them the statistics on do not have the basement included in the square footage. Mr. Rickett stated those could

have been finished subsequent to when they were originally built. If they were built before 1989 before things changed for allowing finished basements. Mr. Econom stated those houses that he is referring to are not legitimate basements because there are no egress windows or things that make it a legitimate space. Chairperson Drummond stated, from their perspective, they cannot presume that there are not permits. Mr. Rickett stated they did not need permits if they were done prior to 1989.

Chairperson Drummond stated there were three letters that were received from the neighbors. The first letter is from Thomas O'Connor on Jeffrey Road. It expressed concern over the request for variances being a large request. The author does not feel that the house size aligned itself with the other homes in the development. They stated they do not see how the home will enhance the neighborhood in any way. They are also concerned with limited distances issues it will create on Kent Road. They do not support this application.

The second letter expressed concerns over the home being much larger than the standard homes designed on Kent Road and they do not feel it will enhance the overall aesthetics of the road. They also feel that any driveway cut on that lot could cause a safety issue. They believe it will create a blind driveway condition when approaching the new driveway. They do not support this application. This was from Anthony and Patricia Brecco.

The third letter was from Robert and Marissa Stevens. Their concern is the size of the house being significantly larger than what is typical in that neighborhood. They do not feel it is in line with the surrounding homes and would drastically alter the look and character of their street. They expressed concern over it negatively affecting property values and the visual harmony of the area. They also feel adding another driveway in this location will increase the risk of accidents. The area was not designed to handle additional roadside congestion area and they are concerned about health impacts. The proposed septic system and well would be in close proximity to existing ones in neighboring properties and they are uneasy about the potential strain on the land and water systems. The destruction of soil and vegetation could also affect groundwater flow in the nearby wells. They feel this property is a natural habitat for some small local wildlife which are regularly seen crossing and feeding there. The construction and increased human activity would likely push these animals further out and continued the unfortunate trend of habitat destruction that they have been witnessing. They strongly oppose this application. They stated these concerns are shared with neighbors including Ernesto and Donna Negron, John and June Boniello, and Kyle Moy.

Chairperson Drummond stated these three letters represent six residents in the development. They need to discuss the driveway as that has not been discussed yet. She asked if they are proposing the driveway being in the farthest area away from 376 or closer. Mr. Econom stated it is furthest away and there is adequate sight distance. He has driven it and pulled in and there are no issues. This will not be a large generator of traffic. She asked if there was appropriate sight distance for someone exiting that property and Mr. Econom said yes.

Chairperson Drummond asked if there were any questions or comments from the public.

Robert Stevens of 24 Kent Rd. was present. He stated they own three properties on that road being 22, 24, and 26. His wife wrote the letter but he would like to add a few things. He does not want to increase tension with neighbors but he does believe everyone has their own opinions. He stated that the home that was described in the first meeting was a small three bedroom that would blend into the surrounding homes. What is being described now does not match the aesthetics of that. All except one home on that road are all regular ranches. The proposed house does not match the style, size, or spacing of the neighboring homes. Every house on that side of the road is a ranch and this would be a noticeable outlier. Allowing this would undermine the visual and spatial consistencies that residents value and have invested in. At the first town hall meeting the applicant stated he has spoken to the neighbors and Mr. Stevens has spoken to several neighbors on that side and they all said they were not approached. In his opinion there is no demonstrated hardships requiring this variance, only developer convenience. He does urge the Board to uphold the zoning laws and reject this proposal in order to preserve the integrity and character of their community. Chairperson Drummond stated if they do not grant the lot width proposal then no house can be put there. She believes what they are asking for is that the applicant reconsider the proposed house itself. They were told at the last meeting that some of the neighbors were anxious for the development to be built out to finish the neighborhood. Mr. Stevens stated they enjoyed the lot being wooded as it is but understands that someone owns the property and they can do with it as they wish. Mr. Rocco asked if overall they were rejecting the size of the house and Mr. Stevens said yes.

Raymond Rodriguez stated he lives at 25 Kent Road, which is directly next to this property. He stated most of his concerns were addressed in the letters that were read and the gentleman who just spoke. He and his father are concerned about the privacy because the lots are so close together from 21 to 25. He is also concerned about drainage. His house is below this property, which means the drainage will go onto his property. Chairperson Drummond stated they are supposed to keep the drainage on their own

property. Mr. Rodriguez stated that they are concerned about the wildlife and the driveway being a two-car driveway. If he has visitors, cars will park on the roadway and there will be no room for through traffic. The septic systems being that close together could cause issues as well as the water systems. He stated when you drive down Kent Road all the houses look pretty much the same and this house will look completely different. He is not sure if they are building to live there or building to sell, but feels if they are building to sell it is very selfish not taking into consideration the people that already lived there. Mr. Ahsan asked about a three level house on the corner. Chairperson Drummond stated that is the first house on the left so it is at the beginning of the development. Mr. Rodriguez stated everything on his side of the road is all one story houses. The basements cannot be seen.

Chairperson Drummond stated that Mr. Gay had mentioned last month that there are additional larger homes further up the road. It is a different street that has the larger homes on it. Mr. Econom stated the houses at the beginning of the subdivision started out large and then they got smaller as they went up the road. He also clarified that he said there would be two cars but he did not say a two-car driveway. The house will be set back so you could probably get four cars in the driveway. Chairperson Drummond verified that this lot has Board of Health approval and Mr. Econom said yes. Chairperson Drummond stated that means that there is appropriate separation between the well and the septic systems, not just on this lot but on the neighboring lot as well. Mr. Econom said yes. He had to show it 300 feet away from everything and he had the map to verify it. He stated that the existing wells did not have 100% expansion area and he was able to provide that on this lot. He had to do additional testing as the Department of Health asked him to do deep holes and perks to make sure that nothing has changed since the original approvals. Nothing had changed and everything was submitted to the County Department of Health who did review and approve the project.

Chairperson Drummond asked about the drainage for the lot next door. Mr. Econom stated he has spoken with the owner and they can change to a raised ranch. It will be 30 x 50' footprint to be consistent with the neighborhood instead of being the two stories with a smaller footprint. That is the minimum you need to get a three-bedroom. Once he finalizes designing it, he will make sure there is a swale along the edge of the property so that the water does not go on the neighboring property. The front leaders will go into dry wells. In the back will have to flow across the ground because he cannot put dry wells that close to the septic. He can make sure it does not go onto anyone's property. Chairperson Drummond stated that is an engineer qualification that they do have to meet, that all the drainage is dealt

with on their own property. If they do have to change it to a raised ranch they will need to meet the 15 foot setbacks for the undersized lot requirements. They were trying to give more green space and reduce the footprint but they can go with a bigger footprint if that is their only option.

Robert Shultis stated he lives at 19 Kent Road. He has lived there for 58 years. His wife's family purchased his house in 1958. His question is why can't that house be built the same width as all the rest of them. They are all the same so he asked if there was a problem with the lots that it could not be done that way. Chairperson Drummond stated it is not a problem with the lot, it is just what this applicant was proposing. He does have less width on the lot than what is required to build, but not less than most of the other houses in the neighborhood. The lot width is in keeping with the character of the community. He was proposing that by going higher, it was a smaller footprint and more side yard between the neighbors. Mr. Shultis stated they could move the house forward and get the same square footage with a single floor house. Chairperson Drummond stated they could ask the engineer, as she does not know where the septic is being proposed. He did say that he has a 100% expansion area so in the event that the septic fails he has a space identified on the property to build in the septic. That may limit his ability to move the house forward. Mr. Econom stated he is not looking to ruffle the feathers of the neighbors. They can go with a raised ranch at 30 x 50' which is pretty typical of what is out there. They can eliminate the second story, so it would be 1750 square feet with the basement. They can meet the setbacks and it will not affect his septic plan at all. He can make that work. He verified with Mr. Adorno, who was present, that they could proceed with that style home. Mr. Adorno did say it would be 35 feet wide. They are more than willing to work with the neighbors and the Board. Mr. Ahsan verified that it would be 35' x 50'. He asked what the two story dimensions were and Mr. Econom stated it is 26' x 38'. He asked if the neighbors would rather see a 35' x 50' ranch or a 26' x 38' two story home.

Ernesto Negro lives at 25 Kent Road. He stated if anything is going to be built there he would rather it be a ranch than a two-story home. It will be right next to him. A two-story home would block all of his view of anything. It would block all the winds and fresh air as well. Hopefully, that will have nice drainage because he is downhill from that. As they are working on the site if they leave trash the wind will blow it all into his property. He hopes they will clean up after themselves.

Mr. Stevens stated personally he would prefer a ranch style over a two-story home.

Mr. Limitone stated the neighbors are more inclined to be in favor of a ranch style house and the applicant seems to be okay with a raised ranch. So it seems like the main objection is the way the house looks and the size of the house. Chairperson Drummond stated it seems to be the height of the house.

Mr. Econom stated he believes they are just all of the neighbors' concerns and are willing to adjust to a 35' x 50' raised ranch style. It is still a viable house for the property. Mr. Stevens stated a raised ranch is different than a ranch. Chairperson Drummond stated the topography change in the area will help because generally you do not see the full height of the bottom level. Mr. Stevens stated their area is known for having Bluestone. He asked if that was going to be an issue when they start digging. Chairperson Drummond stated they could ask if they have identified rock in the area. She stated if they did the test pits for the septic they have already done in the area. Mr. Econom stated if they do hit stone it will be hammered out. There is also the option of pinning the foundation to the stone as he just did in Poughkeepsie. Chairperson Drummond asked him what the front of the raised ranch with look like. She asked if, based on the topography, the lower level would be visible to the neighbors. Mr. Adorno stated it would be built in. Chairperson Drummond explained that the expectation will be that while it will have two stories because it is a raised ranch he will not see the full height that you would see if it was the two-story house they originally proposed.

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

Chairperson Drummond stated they have 62 days, but usually this will be the first thing in the next meeting agenda. She stated Mr. Econom does not need to be here if they do not want to be. Mr. Econom stated he will do his best to get another set of house plans. He will forward the elevations to Mr. Rickett, who will get them to the clerk so the neighbors can come in and see them.

Chairperson Drummond thanked all of the neighbors for coming out.

REVIEWS:

REVIEW – Appeal 4135 – John DiRusso (6358-04-981382)

John DiRusso, 3 Patricia Ct., Hopewell Junction, requesting a 9' side yard and a 32' rear line variance for a proposed 25'X18' (852sf.) two story detached garage pursuant to Section 194-17 and the Schedule of Bulk Regulations. Footprint of existing house is 1,454.

Mr. DiRusso was present.

Mr. DiRusso stated that based on the unique positioning of his home and how the way the driveway is positioned, this is essentially the only place he can put this structure with the least amount of disruption to the natural trees and property lines.

Chairperson Drummond asked why this was going to be two stories and what the second story is going to be used for. Mr. DiRusso stated it is for storage. Chairperson Drummond asked if there would be stairs going up to it or pull down ladder. Mr. DiRusso stated there will be stairs on the inside.

Chairperson Drummond asked if there would be any residential living space in it. Mr. DiRusso stated he can assure them that his in-laws will not be living there.

Mr. Rickett stated he should have provided photos as he has been to the site. His garage is full. There is a lot of natural screening. There are a lot of things he needs to put into this.

Chairperson Drummond asked if they have an existing garage and Mr. DiRusso said yes. He stated this is not really for use as a garage. There would be the ability to park a vehicle in there. Based on the code because he is using a garage door it is called a garage. It is going to be used for storage. It is 18' x 25'.

Chairperson Drummond stated that is smaller than a typical two-car garage.

Chairperson Drummond asked if he has talked to his neighbors and Mr. DiRusso said no. She asked how impactful this would be to the neighbors and how visible it would be to them. Mr. DiRusso stated that based on the positioning of their homes and their views he does not believe it will be visible or impactful. Chairperson Drummond asked if there were other detached garages in the neighborhood. Mr. DiRusso stated there are no detached garages in the neighborhood.

Chairperson Drummond asked what material he is looking to finish the garage with and what it will look like. Mr. DiRusso stated it will look just like the home with the same siding and shingles. He is a type "A" personality and everything needs to not be an eyesore. Chairperson Drummond stated they have to worry about the next owner of the property as well. Mr. DiRusso stated it will add value to the home and will blend in.

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

Mr. Ahsan asked if the shed and the pool both have COs. Mr. DiRusso said yes he has everything that is required. There should be no violations on the property. Mr. Rickett stated the applicant is good. Mr. Ahsan stated on the survey map that was provided it said that the proposed garage is 450 square feet. Chairperson Drummond stated that is because it is two stories but the second story is a little smaller.

Chairperson Drummond stated this property is up on a hill across from Sabellicos. If you are on Route 376 you are not going to be seeing it because there is a lot in front of his. Mr. DiRusso stated he has very large evergreen trees and you can not even see his home. He does not believe it will even be visible during the winter because the evergreens are there all year.

MOTION made by Rocco Limitone, seconded by Aziz Ahsan, to schedule this application for a Public Hearing for May 27, 2025, meeting. Voted and carried unanimously.

REVIEW – Appeal 4136 Andrew Badger (6456-04-581361)

Andrew Badger, 188 Blue Hill Rd., Hopewell Junction, requesting a 1' height variance for a proposed 5' fence in the front yard pursuant to Section 194-98 and the Schedule of Bulk Regulations.

Chairperson Drummond stated this is the application that was withdrawn.

REVIEW – Appeal 4137 – Rich Scalici (6356-04-619454)

Rick Scalici, 47 Circle Dr., Hopewell Junction, requesting a 15' sideline variance for a proposed 330-gallon above-ground propane tank pursuant to Section 194-17 and the Schedule of Bulk Regulations.

Mr. Scalici was present.

Chairperson Drummond asked what they need this tank for. Mr. Scalici stated for a full house generator. Chairperson Drummond stated this is for emergency situations and Mr. Scalici said yes. She asked if this were the only place where it could be put. Mr. Scalici stated yes because it needs to be 10 feet from the generator and canopy near any windows or doors. Chairperson Drummond asked why this size because he did get a 100 gallon tank. Chairperson Drummond stated this was the suggestion of his electrician. Mr. Rickett stated that size tank should run the generator for at least a week. Chairperson Drummond stated there have been a few times when areas have been out of power for several days. She does state that for the record it is important for people to understand that he could go with a smaller tank but it will only get him three days instead of six or seven. Around here without power there is no water. You can not even flush the toilet. Mr. Rickett stated that one larger tank is better than multiple smaller tanks.

Chairperson Drummond asked if this would be screened and Mr. Scalici said he would put some shrubs around it to make sure that nobody can see it. Chairperson Drummond said there is a lot of vegetation in Lake City area. Mr. Scalici stated there is a very wooded area between his house and his neighbors. Chairperson Drummond stated that does help.

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for May 27, 2025, meeting. Voted and carried unanimously.

REVIEW – Appeal 4138 – Nichols Defazio (69356-03-255063)

Nichols Defazio, 11 Fishkill Hook Rd., Hopewell Junction, requesting a 26' front yard and 5' side yard variance for a proposed front porch 8'X30' (240sf.), a 10' sideline variance for an 18'X24' and 15.5'X15.5' for a total 675sf. for two additions, 35' lot width variance, and a 4.72 % increase in non-conformity variance. Pursuant to Section 194-12, 194-130 and the Schedule of Bulk Regulations.

Mark Day was present.

Chairperson Drummond stated this is an application for two additions on the house that is on an undersized lot. Mr. Day stated this is an irregular sized lot as well because it is shaped like a "T." It is an existing home and they are proposing an addition to the front, although they are not decreasing the front yard setback to his knowledge. There are also two additions to the back. There is a shed in the back of the property as well. Chairperson Drummond stated it sounds like he is squaring off the front of the building and putting an addition on to the back. Mr. Day stated that was correct. He said it does not help that the house is perpendicular to the road and the lot lines are not.

Chairperson Drummond stated this does not look like it is going to be impactful to the neighbors because it is behind the house. He is keeping with the existing house line on one side and stepping it back a little with each addition on the other side. Chairperson Drummond asked if there was vegetation on the side where he is stepping it back. Mr. Rickett stated there is a little, but there is also a fence. Chairperson Drummond asked how impactful this would be to the next door neighbor. Mr. Rickett stated their house is set back a little bit further. He did supply some photos. Chairperson Drummond asked what type fence it is. Mr. Limitone stated it is a stockade fence. Mr. Rickett stated there is a white vinyl fence in the front and in the back there is a wooden 6 foot privacy fence.

Chairperson Drummond asked if the shed in the back had appropriate permits. Mr. Rickett stated they have applied for the permits.

Chairperson Drummond asked if the two story frame next door is the house next door. She stated there is a very distinct difference in size between the houses. Mr. Ahsan stated they are only 2 feet away. Chairperson Drummond stated there is not enough room for vegetation on that side. Mr. Rickett stated they are not going in closer to the house.

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for May 27, 2025, meeting. Voted and carried unanimously.

REVIEW – Appeal 4139 – Camille Riggio (6357-04-685419)

Camille Riggio, 230 Lake Walton Rd., Hopewell Junction, requesting a 10 sf. size variance for a proposed 12'X30' (360sf.) accessory structure and a 9' front yard variance for a 6' fence more than 10' in front of the front line of the dwelling pursuant to Section 194-107 & 194-98 and the Schedule of Bulk Regulations.

Mark Day, Mr. Riggio and Mrs. Riggio were present.

Chairperson Drummond stated this applicant was before the Board previously. They had asked the applicant to fix the garage and that was done and it looks so much better. They have an empty space in their backyard and they are looking to put a structure there. She asked what it was going to be used for. Mr. Day stated it would be for storage for yard equipment. Mr. Riggio stated they lost use of Mrs. Riggio's mother's garage that they had stored their lawnmower and car in. They lost the shed that was on that property as well. They are trying to condense all of those things into the garage that they have and they still need more space. He stated this would be directly behind the house. Chairperson Drummond stated as you drive by you can see it there, but it is not going to be out of character with what is there. Mr. Riggio stated it will be back over 150 feet. Chairperson Drummond stated it is a very level property. They are here because the new law in February put them over the square footage. Clerk Keenan stated they can not go over 350 sq. ft. Mr. Rickett stated they are also here for the fence in the front yard.

Chairperson Drummond asked them to describe the fence. Mr. Riggio stated it would be a privacy fence between the two properties. If they stopped it at the front of the house, it would not look nice. They know they are allowed 10 feet past the front of the house, so they are asking to go to the garage so it closes in the area. Chairperson Drummond asked if they were blocking any sight distance and Mr. Rickett stated no. Chairperson Drummond stated they have approved 6 foot tall fences along Lake Walton Road. Mr. Rickett stated his will terminate behind the garage. The garage is in the front of the house but that was the end of last year.

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for May 27, 2025, meeting. Voted and carried unanimously.

REVIEW – Appeal 4140- Linda Valentino (6455-00-564502)

Linda Valentino, 65 East Hook Cross Rd., Hopewell Junction, requesting a 47' front yard variance for an existing 10'x12' (120sf.) carport pursuant to Section 194-17 and the Schedule of Bulk Regulations.

Linda Valentino and Mr. Valentino were present.

Ms. Valentino stated she has an existing carport but it was never permitted. Mr. Rickett stated it has been there approximately 30 years. Chairperson Drummond asked if she purchased the property with it there. Ms. Valentino stated yes, she purchased the property approximately 7 years ago. The search came back clean so it was not noticed at the time of the sale. She is here initially because she wanted to put up a shed for her lawnmower but the property is up the hill. There is no place to put the shed where she could drive the mower into it. She figured she would close in the carport to keep it there and that is when she found out it was not permitted. It is very close to the road so she will need a 47 foot variance. She did provide papers showing four other properties in her neighborhood that are also very close to the road. Some do appear to be closer than hers. Chairperson Drummond stated the issue is that some of them have been there for a lot more than 40 years and they are enclosed.

Chairperson Drummond stated that because it is not enclosed, it is not blocking any sight distance. If it is closed she asked if it would be impacting sight distance. Mr. Rickett stated it is hard to tell because she parks on the opposite side of the street. He does not believe it will be impactful to anyone else either. Chairperson Drummond stated one would think the carport so close to the road would be used for car but that is not what the applicant is using it for. Ms. Valentino stated she just wants it for the mower and the snowblower. Even if they did not allow her to close in the whole thing she would be happy if she could just close in enough that and put on doors so that she can secure the mower. They do own the lot across the street and the mower is out with just a tarp over it because there is no place to put it and it is starting to get rusty. Chairperson Drummond asked if the lot across the street had the ability to put the safer structure there. Mr. Rickett stated it needs a primary residence before you can put an accessory structure on it. Chairperson Drummond asked if they have the ability to park on the lot with the house instead of parking across the street. Ms. Valentino stated the house is very close to the road as well, so it is hard to see the end of the driveway to get out of the house. The carport is further away than the house.

Chairperson Drummond stated that some point they may sell this lot separate from the other lots and then where will someone else park. Ms. Valentino stated they cannot do that because the septic and the well is on the other lot. Mr. Valentino stated the house was built in the 60s. He does not know how it happened but the well and septic go under the road to the lot across the street. They do have two separate tax IDs. They were told when they bought the property they could never build on the parcel across the street because that is where the well and septic for their house was. Mr. Rickett stated they cannot sell the lot there without selling the lot across the street at the same time.

Chairperson Drummond asked what the total acreage was. Ms. Valentino stated 2.75 acres. The house lot is 1.25 acres and the vacant lot is 1.5 acres. Mr. Rickett stated they want to close in the lawnmower and snowblower for security. Chairperson Drummond stated it just begs the question if the structure belongs there in the first place. If it is already 40 years old what is its useful life? She stated it is a structure that probably should not be there in the first place and it is not historical like some of the other structures probably are. But she does hear that there is no other place on the lot to put it. Mr. Rickett stated it is a hill. Ms. Valentine stated she does believe it will last for another 20 or 30 years because it is in good shape. Chairperson Drummond asked what the siding would look like and Ms. Valentino stated it would be board and batten with roughcut hemlock. She is going to stain it to try to blend it in with the trees. Her house is an ugly whitish yellow.

Mr. Ahsan stated from a tax perspective, these are two lots but they are connected by the well and septic. He asked if there was a deed restriction that the second lot cannot be constructed on. Ms. Valentino stated she would like to piece them together if there is a way to do that and Chairperson Drummond stated there is. Chairperson Drummond asked what the zoning is and Mr. Rickett stated it is an R2 so they need to acres two build. Chairperson Drummond stated you can land hook a lot and make it one lot. She stated that sounds like it is what they need to do because otherwise they have to deal with that as an undersized lot. Mr. Rickett asked if they combined the parcels could they build a garage on the other side and Chairperson Drummond said yes. Then it is all one parcel. Ms. Valentino stated they are concerned about putting something bigger on that side because that is where all the septic and well lines are. They do not want to drive heavy equipment over there. The septic and the well are in the front of the lot. Chairperson Drummond asked if there was any way to get a driveway into the parcel around the septic and well. Mr. Rickett stated there is 198 feet of frontage on the lot across the street. Mr. Valentino stated it would need to be built up. Ms. Valentino stated there is no way she would ever be able to afford

to do that. Mr. Ahsan stated combining the two lots would make it easier for any future landowner and preserve the well and septic. Ms. Valentino stated she would like to do that in the future.

Mr. Ahsan stated with the hill behind her there is not much working space back there. Chairperson Drummond stated that they also did not put the carport there to begin with.

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for May 27, 2025, meeting. Voted and carried unanimously.

Chairperson Drummond stated it would be helpful to the Board to get a visual of what they would like to do. She asked if they had plans for this. Ms. Valentino stated there are pictures in her application packet. It will be stained to blend in with the trees. It will be less noticeable than it is now with all the junk in there.

REVIEW – Appeal 4141 – Joseph Miller (6457-01-063787)

Joseph Miller, 17 Clark Place, Hopewell Junction, requesting a 14' rear yard variance for a proposed 13'x16' (208sf.) pergola pursuant to Section 194-17 and the Schedule of Bulk Regulations.

Joseph Miller was present.

Mr. Rickett stated this applicant was before the Board prior for a pool variance. Mr. Miller stated the lot is small at .23 acres. The setback is 30 feet. His whole backyard is only 42 feet with the house.

Chairperson Drummond asked what was behind his lot. Mr. Miller stated it is just vegetation.

Chairperson's Drummond stated it is protected vegetation.

Chairperson Drummond asked if Mr. Miller had his HOA approval and Clerk Keenan said yes.

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for May 27, 2025, meeting. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 8:30 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary