

Town of East Fishkill

ZONING BOARD OF APPEALS

May 27, 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, June 24, 2025, and Tuesday, July 22, 2025.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held April 22, 2025. Voted and carried unanimously.

Chairperson Drummond thanked everyone for coming and explained that this meeting was being held at the Community Center as it was Grievance Day at the Town Hall. She asked that everyone let her know that they can hear her as the microphone at the table was for the sole purpose of the recording. She went through the procedures for the meeting. First is a Decision. That is based on an application that this Board has already reviewed. There were two Public Hearings on this application and it was closed last month and the Board held its decision until tonight. It is based on the information they collected during those Public Hearings. Next 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 is one review, 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 this review this evening. They will be given the opportunity to speak at the appropriate time.

DECISIONS:**DECISION - 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.

No one was present.

Chairperson Drummond stated there were two letters received from neighbors and one email, but these were received after the Public Hearing was closed. The Board can only consider information that they received during the open Public Hearing. She did want to acknowledge that they received those pieces of correspondence. There were a significant amount of comments that the Board did receive at the last meeting. She did a site visit so she does know firsthand what that neighborhood looks like. She does believe the Board had ample information to consider in making their decision.

Mr. Ahsan stated they had closed the Public Hearing last month and reserved their decision for tonight.

APPEAL NUMBER: 4134

APPLICANT: John & Rima Adorno

NAME OF PROJECT: A Variance to build on an undersized lot and a 25' lot width Variance from the requirements of Section 194-130 of the Town Code and the Schedule of Bulk Regulations (the "Variances")

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

TAX MAP NUMBER: 6456-02-809961

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Property is vacant land; and

WHEREAS, the Property is approximately 0.45 acres, which is undersized for an R-1 District; and

WHEREAS, the Applicant has proposed to build a 3,430 s.f. house including garage ; and

WHEREAS, the Applicant originally proposed a higher structure, which would have been more impactful to the neighborhood, but changed the plans to propose a house lower in height, but wider, which is more in keeping with the other homes in the area; and

WHEREAS, there was significant public comment related to the size of the proposed house relative to the other houses in the neighborhood; and

WHEREAS, this is a Type II Action under SEQRA; 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 during which it closed the Public Hearing and reserved its decision; and

WHEREAS, the Zoning Board of Appeals finds that:

The granting of the Variances could be deemed to produce an undesirable change to the neighborhood due to the size of the proposed house;

The desired result could be achieved by installing a smaller house;

The Variances are 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 of John and Rima Adorno for a Variance to build on an undersized lot and a 25' lot width Variance from the requirements of Section 194-130 of the Town Code and the Schedule of Bulk Regulations.

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

Resolution Seconded by Zoning Board Member 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

Chairperson Norma Drummond Aye

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 1292 sf. 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 they reviewed this application last month. At that point they did not have a complete set of plans. She does hope that Mr. Minasi understands why getting a complete set of plans was important. The square footage, particularly in the second floor of the proposed garage, was going to be significant. This is a property that is a little over 9 acres. There are three properties on a shared driveway. This is a proposed additional detached garage in front of the furthest property in the back. It would be in front of the house but no one will see it. The vegetation is all back up and grown in. You can't even see the front or the second house. With the applicant's permission, she did walk up the driveway. The houses that are on the property are all beautiful and well maintained. They are going to follow code relating to how this gets built. There will be no residential space on the second floor of this

garage. Mr. Minasi agreed to that. Chairperson Drummond stated when they considered this previously there was a pool and a pool deck that were also in the front yard. Mr. Minasi has now taken those down. Those variances are no longer being included in their review tonight. Now that the Zoning Administrator had a set of plans to review the only thing that was changed was the size variance for the proposed detached garage because it could not exceed the 60% of the existing footprint or 750 square feet. With the second story it was a little over 900 square feet. That is why it change from being a 331 square foot variance to a 1292 square foot variance.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Limitone verified that the Zoning Administrator had received the plans. Mr. Rickett stated he has plans for the existing garage and the new garage and he did an inspection of the existing garage. He stated even the existing garage needs a small 140 square foot variance.

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 close this Public Hearing to May 27, 2025. Voted and carried unanimously.

APPEAL NUMBER: 4131

APPLICANT: Joseph Minasi

NAME OF PROJECT: An Appeal from a Front Yard Determination of the Zoning Administrator dated January 16, 2025

A Variance from Section 194-107 of the Town Code and the Schedule of Bulk Regulations to allow the existing 1,308 s.f. detached garage to remain in a front yard; a size Variance of 140 s.f. from the requirements of Section 194-107 of the Town Code for the existing 1,308 s.f. detached garage; a Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations to allow the proposed 2,460 s.f. detached garage to be located in the front yard; a 40' front line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for the proposed 2,460 s.f. detached garage; and a 1,292

s.f. size Variance from the requirements of Section 194-107 of the Town Code for the proposed 2,460 s.f. garage (collectively the “Variances”)

LOCATION: 29 Thunder Rd., Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6458-04-661265; 624227

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Alberto Paratore

WHEREAS, the Property is approximately 9.7 acres, and the footprint of the existing structure is 1,948 s.f.; and

WHEREAS, the Applicant, his family members, and related legal entities own other surrounding properties; and

WHEREAS, the Letter from Matthew Rickett, Zoning Administrator, to the Applicant dated January 16, 2025 (the “Determination Letter”) determined that “[i]t is our opinion that the front yard of the Lot 1A property; Parcel 6458-04-661265-9.72 Acres is the area between the front of the house and the frontage leading to Clove Branch Road”; and

WHEREAS, the Determination Letter supported its position by citing Local Law Number 7 of 2022, which defines “Yard, Front” as “[t]he yard lying between the front line and the primary access point to the main entrance of the principal building. Each lot shall only have one front yard”; and

WHEREAS, the Determination Letter also cited Section 194-14.2 of the Town Code, which states that “[t]he facade of a house must face the street. Houses on corner lots should be oriented in the same direction as the adjacent houses, which is usually the street with the least frontage. Where no other method determines conclusively the front of a lot, the Planning Board shall designate the property line from which the front yard will be measured after considering the optimum orientation of the principal dwelling to minimize negative impacts on surrounding properties”; and

WHEREAS, the Applicant originally applied only for an Interpretation from the ZBA to appeal the Zoning Administrator's determination that "the front yard of the Lot 1A property; Parcel 6458-04-661265-9.72 Acres is the area between the front of the house and the frontage leading to Clove Branch Road"; and

WHEREAS, after further consideration, the Applicant requested to amend his application to include any variances needed to meet the Zoning Administrator's determination; and

WHEREAS, the Zoning Administrator has confirmed that the existing as-built above ground pool and as-built pool deck have been demolished and removed, so no Variance is required for either of those former structures; and

WHEREAS, the Applicant has applied for permit for all existing as-built work; and

WHEREAS, the Applicant presented to the ZBA at its January 28, 2025 Meeting; and

WHEREAS, the Zoning Board of Appeals opened the Public Hearing on February 25, 2025, but adjourned it at the request of the Applicant; and

WHEREAS, the ZBA continued the Public Hearing on March 25, 2025, April 22, 2025, and May 27, 2025; and

WHEREAS, the footprint of the existing house is 1,948 s.f., so any detached garage (i.e. accessory structures) exceeding 1,168 s.f. requires a size variance pursuant to Section 194-107(C) of the Town Code; and

WHEREAS, this is a Type II Action under SEQRA; and

WHEREAS, the Legal Notice was published in the Southern Dutchess News on February 19, 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 Property is heavily wooded and most of the structures are existing;

The desired result could be achieved by other means, but the location of the proposed garage was selected based on the location of the other pre-existing structures;

The Variances are not 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:

1. Affirms the interpretation of the Code Enforcement Officer that the front yard of the Lot 1A property; Parcel 6458-04-661265-9.72 Acres is the area between the front of the house and the frontage leading to Clove Branch Road. While the letter from Zoning Administrator and Code Enforcement Officer Rickett indicates that the frontage for lot 624227 (19 Thunder Road) is the area between the main entrance of the principal building and Thunder Road, that house has a different orientation than lot 661265. Lot 661265 has a diagonal orientation and the primary access point to the main entrance of the principal building faces Clove Branch Road.
2. Approves the request by Joseph Minasi for a Variance from Section 194-107 of the Town Code and the Schedule of Bulk Regulations to allow the existing 1,308 s.f. detached garage to remain in a front yard; a size Variance of 140 s.f. from the requirements of Section 194-107 of the Town Code for the existing 1,308 s.f. detached garage; a Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations to allow the proposed 2,460 s.f. detached garage to be located in the front yard; a 40' front line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for the proposed 2,460 s.f. detached garage; and a 1,292 s.f. size Variance from the requirements of Section 194-107 of the Town Code for the proposed 2,460 s.f. garage subject to the following conditions:
 - a. The Applicant shall rectify all existing violations prior to receiving a building permit for any new structures on the Property.
 - b. Any future subdivision of the property shall be subject to a road built to Town standards.
 - c. Any existing structures and/or improvements without permits also require inspections to rectify their violations.
 - d. The existing fabric structure on the parcel shall be removed within 90 days of this decision.
 - e. The second floor the new Proposed 2,460 s.f. detached garage shall only be used for storage and not for habitation and will not be conditioned space or have electric other than lighting typical for storage use. This condition will be for the life of the structure and must be on the Certificate of Compliance for the structure.

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

Resolution Seconded by Zoning Board Member: Aziz Ahsan

The votes were as follows:

Board Member Aziz Ahsan AYE

Board Member Rocco Limitone AYE

Board Member Alberto Paratore AYE

Board Member Art Mahony AYE

Chairperson Norma Drummond Aye

PUBLIC HEARINGS:

PUBLIC HEARING – Appeal 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.

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. Patricia Court is opposite Sabellicos on the Route 376 side. Patricia Court is pretty elevated. If you are on Route 376 you don't look up to see what is there. Mr. DiRusso stated there are large mature pines and spruce in there as well. There is a house next to him that you would notice as you go past, but this is a cul-de-sac that is not distracting at all to people on Route 376. It is not the size of the garage that he is proposing that requires the variance. It is just the location of where he is putting it. Due to the slope of his property this is really the only location that he has that he would be able to fit a structure of this size. He is 32 feet closer to the rear line than he should be but there is still 18 feet from their to the property line. She verified that the second floor would be storage with no residential space.

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.

William Saporta stated he does not have a problem with the garage being put up, since it sounds like the Board is in favor of it. He does want to put into the record that although his property is 2.13 acres it is very narrow. They have houses on both sides of him. When they purchased the house there was no privacy. Over the years they have lined the property with approximately 60 pine trees on both sides and on the front of Route 376. He feels the addition of the second garage that is being proposed will be very intrusive and take away from his privacy. When they look at their trees they want to see the sky, not the back of a two story garage. This neighbor has built an enclosed deck and an above ground pool very close to the property line. He does a lot of building in his current garage, which is very loud. He is concerned if the applicant puts up a new garage closer to his property that the noise level will be much louder. If the garage is approved, all he requests is that the Board respects the 25 foot code and height restriction. He believes the code was created for circumstances just like this. He does have an enclosed deck and an outside deck so although he does have a lot of property they are very close in proximity. There is one shed on the applicants property now. He feels this new garage will be right where they will be staring at it. They enjoy the nature part of where they live and when they look over the trees they don't want to see the back of the garage. He does wish that the applicant could put it somewhere else on his property but it does sound like the Board has stated this is the only place that makes sense. He stated

this is no disrespect to his neighbor he just does not want their shed on top of them. Chairperson Drummond stated if you look at a survey of the applicants property, all of his land is in his front yard. You can't put a garage in your front yard. In this case it would be more visible if it was in the front yard. She stated this is not to devalue his opinion at all but it would be more visible to all of the neighbors on Patricia Court. She stated his ability to put anything anywhere else in the back doesn't exist. Mr. Saporta stated he is also concerned that this is two stories high. He is afraid they will be looking directly into his house or into his enclosed porch. The trees they put up to give them privacy will not hide a two story garage.

Mr. Ahsan stated that the shed that is near the pool will be staying. This is a proposed new garage which will be right by his driveway. The applicant will have a garage and two sheds on the property. Mr. Saporta stated he does understand what is proposed. Mr. Ahsan stated the current shed is 15 feet from the property line and the proposed garage will be 16 feet from the property line.

Chairperson Drummond asked Mr. DiRusso if the garage would be facing his house. Mr. DiRusso stated that the entrance will be facing the same direction as the home. That way when you pull in the driveway you could pull directly into the garage. There will be no windows on the side facing Mr. Saporta, who is also at a higher elevation. With the trees there he should not be able to see the structure. Chairperson Drummond stated she is addressing the noise issues. If the entrance is facing away the noise should be also going towards Patricia Court. She stated the structure should provide a buffer for Mr. Saporta. Mr. DiRusso stated he does any work during what would be normal business hours but he is not operating a business. Chairperson Drummond stated the structure itself should provide some buffer because the angle of the noise should be directed out towards Patricia Court.

Chairperson Drummond asked if the applicant was proposing any vegetation on the neighbor side. Mr. DiRusso stated there is already vegetation there. There are large pines and a huge maple. The neighbor has multiple spruces that line the property as well. He should not be able to see the structure from any point inside his house. There are no windows facing this.

Chairperson Drummond asked if the second floor would have windows facing the neighbor and Mr. DiRusso said no, just on the front and facing his house. She asked what the second floor was being proposed for and Mr. DiRusso said just for storage.

Mr. Ahsan asked if the neighbor was asking for any type of insulation between the two properties. The applicant did state that there would be no windows facing him and any noise that is generated should be facing towards Patricia Court. He asked if Mr. Saporta had any other concerns regarding noise control. Mr. Saporta stated he does not make any noise at odd hours and he does applaud the applicant for being handy. He does do work in his current garage and it is very loud. This structure is going to be even closer so he is concerned that it will be even louder. Mr. Ahsan asked if the applicant thought there is enough vegetation in between the two properties, in his perspective. Mr. Saporta stated he is hoping that Mr. DiRusso is not going to take down any of his trees. Right now that is a sight and sound buffer. Chairperson Drummond asked if any trees were going to be coming down or if they would stay up. Mr. DiRusso stated that there is one large pine on the Patricia Court side that is going to have to come down but nothing that is between the two properties is going to come down. There will be no vegetation or trees coming down in the back.

Mr. Limitone asked if there was going to be electricity to the garage and Mr. DiRusso said yes. Mr. Limitone asked if there would be heat and Mr. DiRusso said no.

Chairperson Drummond asked if there was anyone else from the public this application. There was no one.

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

4135

APPLICANT: John DiRusso

NAME OF PROJECT: A 9' side yard and a 32' rear line variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 25'X18' (852 s.f.) two-story detached garage (the "Variances")

LOCATION: 3 Patricia Ct., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6358-04-981382

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Rocco Limitone

WHEREAS, the applicant proposes a two-story detached garage with siding to match the house; and

WHEREAS, the second story will be used for storage; and

WHEREAS, the Applicant proposed the garage in an area to minimize disturbance, and there is existing natural screening; and

WHEREAS, the footprint of existing house is 1,454 s.f., and no size variance is required for the proposed detached garage; and

WHEREAS, this is a Type II Action under SEQRA; and

WHEREAS, the Legal Notice was published in the Poughkeepsie Journal on May 23, 2025; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on May 27, 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 neighborhood as the Property will remain residential in nature;

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

The rear line Variance is substantial;

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request of John DiRusso for a 9' side yard and a 32' rear line variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 25'X18' (852 s.f.) two-story detached garage.

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

Resolution Seconded by Zoning Board Member Aziz Ahsan

The votes were as follows:

Board Member Aziz Ahsan	AYE
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Board Member Rocco Limitone	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 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.

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 is a propane tank for an emergency generator. This is the optimum location to minimize the disturbance and get it as close to the generator as possible. The applicant did talk about putting shrubbery in to screen it as best as he could.

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

Mr. Ahsan stated he did do a site visit. He stated the applicant does appear to be proposing this in the best location. It could possibly be brought closer to the house. Chairperson Drummond stated it is a propane tank that you don't want too close to the house.

Chairperson Drummond stated the propane tank does not generate any noise. It is just the look and the applicant has stated he would screen it.

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

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

APPEAL NUMBER: 4137

APPLICANT: Rick Scalici

NAME OF PROJECT: A 15' sideline Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 330-gallon above-ground propane tank

LOCATION: 47 Circle Dr., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6356-04-619454

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Art Mahoney

WHEREAS, the applicant is proposing the installation of a propane tank for a generator; and

WHEREAS, the applicant stated this is the only place to put the propane storage tank due to proximity requirements for the generator; and

WHEREAS, the Applicant's electrician suggested a 330 gallon storage tank; and

WHEREAS, this is a Type II Action under SEQRA; and

WHEREAS, the Legal Notice was published in the Poughkeepsie Journal on May 23, 2025; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on May 27, 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 neighborhood as the Property will remain residential in nature and the applicant proposes to install vegetative screening;

The desired result cannot be achieved by some other means due to the tank needing to be located in close proximity to the generator;

The Variance could be deemed substantial, but the Applicant will install shrubbery to minimize its visual impact;

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 of Rick Scalici for a 15' sideline Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 330-gallon above-ground propane tank.

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

Resolution Seconded by Zoning Board Member Aziz Ahsan

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

Chairperson Norma Drummond Aye

PUBLIC HEARING – 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.

Brian Stokosa was present.

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

Chairperson Drummond stated they did review this application last month. The existing home has an odd shaped back to it. What they're looking to do is to just put two additions on that will pretty much square it off or at least make it better looking in the back. This will not visually impact anything on the front yard or the front porch. The issue is the nonconformity of the lot. The house already exists and without doing this they would not have more livable space. She asked if the siding was going to match the existing house and Mr. Stokosa said yes. Chairperson Drummond asked if there was any shrubbery or screening being proposed. Mr. Stokosa stated they are friends with the neighbor right now. As part of this proposal they have not proposed any shrubbery.

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

APPEAL NUMBER: 4138

APPLICANT: Ashley Nichols & Jeffery DeFazio

NAME OF PROJECT: A 26' front yard Variance and 5' side yard Variance from the requirements of Section 194-94 of the Town Code and Schedule of Bulk Regulations; a 10' side yard Variance from the Schedule of Bulk Regulations for two additions totaling 1,144 s.f. (18'X24' and 15.5'X15.5'); a 35' lot width Variance from the Schedule of Bulk Regulations; and a 4.72 % Variance from the requirements of Section 194-130 of the Town Code for an increase in non-conformity (the "Variances")

LOCATION: 11 Fishkill Hook Rd., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6356-03-255063

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant is proposing multiple additions; and

WHEREAS, the lot is an oddly configured T-shape lot; and

WHEREAS, the existing house is located near the road, which has necessitated multiple variances; and

WHEREAS, this is a Type II Action under SEQRA; and

WHEREAS, the Legal Notice was published in the Poughkeepsie Journal on May 23, 2025; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on May 27, 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 neighborhood as the Property will remain residential in nature;

The desired result cannot be achieved by some other means due to the existing location of the house

The Variances are 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 of Jeffrey DeFazio for a 26' front yard Variance and 5' side yard Variance from the requirements of Section 194-94 of the Town Code and Schedule of Bulk Regulations; a 10' side yard Variance from the Schedule of Bulk Regulations for two additions totaling 1,144 s.f. (18'X24' and 15.5'X15.5'); a 35' lot width Variance from the Schedule of Bulk Regulations; and a 4.72 % Variance from the requirements of Section 194-130 of the Town Code for an increase in non-Conformity.

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

PUBLIC HEARING – 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.

Mr. Stokosa, Mr. Riggio and Mrs. Riggio 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. This property had been before the Board recently because of the lot line realignment because of the garage that is in the front, so they needed a variance to cover that. At the Board’s requests the property owners took care of improving

the garage and making it look nicer. This property is very cleared so you can see right into their backyard. There is a very flat area in the back yard. This will not be visible from the front and makes sense where they are proposing it. The Zoning Administrator did notice that there is a 6 foot fence that does extend beyond the 10 foot allowed so they do want to clean that up as well. She asked if the finish on the structure would match the house and Mr. Stokosa said yes. Chairperson Drummond asked what the purpose of the structure was and Mr. Stokosa stated it was for storage only. He stated there will probably be some gravel that leads up to but not a hardened surface.

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: 4139

APPLICANT: Camille Riggio

NAME OF PROJECT: A 10 s.f. size Variance from the requirements of Section 194-107 of the Town Code for a proposed 12'X30' (360 s.f.) accessory structure; and a 9' front yard Variance from the requirements of Section 194-98 of the Town Code for a 6' fence more than 10' in front of the front line of the dwelling (the "Variances")

LOCATION: 230 Lake Walton Rd., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6357-04-685419

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Alberto Paratore

WHEREAS, there is existing empty space in the back yard for the shed; and

WHEREAS, the Applicant plans to install equipment in the proposed shed; and

WHEREAS, this is a Type II Action under SEQRA; and

WHEREAS, the Legal Notice was published in the Poughkeepsie Journal on May 23, 2025; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on May 27, 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 neighborhood as the Property will remain residential in nature;

The desired result could be achieved by other means, but all of the proposed changes are in conformity with the other homes in the neighborhood;

The Variances are not 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 of Camille Riggio for a 10 s.f. size Variance from the requirements of Section
194-107 of the Town Code for a proposed 12'X30' (360 s.f.) accessory structure; and a 9' front yard

Variance from the requirements of Section 194-98 of the Town Code for a 6' fence more than 10' in front of the front line of the dwelling.

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

PUBLIC HEARING – 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.

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. This is one of the more bizarre properties in the Town because it land hooks across the street. The applicants actually park their cars on the property across the street from the home. The property the home is on goes up in the back and it makes their ability to have this carport anywhere else. It was built a very long time ago. It is 30 feet off the property line and the ability to move it back does not exist. What the applicant is asking for now is to be able to enclose this carport to make it have a more finished look and to be more secure for storing some newer equipment. It has been there and it does not impact sight distance.

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

Mr. Ahsan stated the applicant had mentioned they cannot put the garage across the street. Mrs. Valentino stated they cannot put an accessory structure on a piece of property without a home on it. There is also some wetlands over there. Mr. Valentino stated the septic is also on that property. Mr. Ahsan stated he wanted these reasons on the record to prove that the best location that the applicant has for the structure is where it currently is.

Mr. Limitone stated he is familiar with the site and has no issues with the way it is being proposed.

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

Frederick Villforth stated he lives at 71 East Hook Road. He borders this property on the south and a little on the west. He stated anything they are proposing to do will make this look so much better and he is in favor of it.

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

Voted and carried unanimously.

APPEAL NUMBER: 4140

APPLICANT: Linda Valentino

NAME OF PROJECT: A 47' front yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 10'x12' (120 s.f.) carport

LOCATION: 65 East Hook Cross Rd., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6455-00-564502

ZONING DISTRICT: R-2

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the Property has an existing carport; and

WHEREAS, the Applicant bought the Property decades after the existing carport was built; and

WHEREAS, adding siding to garage will not impact site distance; and

WHEREAS, the topography of the property behind the garage and house inclines steeply, making moving the structure further back on the property impossible without significant cost and impact to the property; and

WHEREAS, the existing well and septic are located on a separate tax lot across the street and also owned by the Applicant; and

WHEREAS, this is a Type II Action under SEQRA; and

WHEREAS, the Legal Notice was published in the Poughkeepsie Journal on May 23, 2025; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on May 27, 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 neighborhood since it has existed for decades;

The desired result cannot be achieved by some other means except for removing the carport altogether;

The Variance is 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 of Linda Valentino for a 47' front yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 10'x12' (120 s.f.) 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 Aziz Ahsan

The votes were as follows:

Board Member Aziz Ahsan Aye

Board Member Rocco Limitone Aye

Board Member Alberto Paratore Aye

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

PUBLIC HEARING – Appeal 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.

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. She stated this is in the Hopewell Glen development and these are smaller lots to begin with. He is finishing the backyard and this is the best location for the proposed pergola due to the size of his area. She did ask the Zoning Administrator if there was a Floor Area Ratio issue here. Mr. Rickett stated no. The applicant had gotten a pool approved and then he did not do the pool. Now he's doing a pergola. Chairperson Drummond stated that a lot of the homes in Hopewell Glen had an issue with the floor area ratio.

Mr. Ahsan stated it is his understanding that the pool was proposed but then not done. What happens if someone down the road decides to build the pool. Mr. Rickett stated the approval stays with the property. They would have to apply for permits. Chairperson Drummond stated he could install it at some point down the road. Chairperson Drummond asked if the combined pool and the structure would hit the FAR. Mr. Rickett stated they did not examine that part. It could happen because the variance was granted. Attorney Cunningham stated they can add an FAR variance as part of this resolution. It doesn't

change anything in the description of the structure. Chairperson Drummond stated they recognize this is an issue just because of the smaller lots in Hopewell Glen.

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.

4141

APPLICANT: Joseph Miller

NAME OF PROJECT: A 14' rear yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 13'x16' (208 s.f.) pergola

LOCATION: 17 Clark Pl., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6457-01-063787

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Art Mahony

WHEREAS, the Property is located in Hopewell Glen, and most of the lots in this development are smaller than other properties in R-1 zones due to the clustered nature of the subdivision; and

WHEREAS, the Applicant has already obtained approval from the Homeowners' Association ("HOA"); and

WHEREAS, the Applicant obtained approval for Variances for the installation of an inground pool pursuant to Appeal Number 4064, but is electing to install a pergola instead; and

WHEREAS, this is a Type II Action under SEQRA; and

WHEREAS, the Legal Notice was published in the Poughkeepsie Journal on May 23, 2025; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on May 27, 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 neighborhood as the Property will remain residential in nature;

The desired result cannot be achieved by some other means due to the small lot size;

The Variance is not substantial given that the Property is located in Hopewell Glen;

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 of Joseph Miller for a 14' rear yard Variance from the requirements of Section
194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 13'x16' (208 s.f.)
Pergola. If Necessary a variance for F.A.R. variance will be needed if pool is installed.

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

Resolution Seconded by Zoning Board Member Aziz Ahsan

The votes were as follows:

Board Member Aziz Ahsan Aye

Board Member Rocco Limitone Aye

Board Member Alberto Paratore Aye

Board Member Art Mahony Aye

Chairperson Norma Drummond Aye

REVIEWS:

REVIEW – Appeal 4142 – John McMahon 96356-04-629472)

John McMahon, 37 Circle Drive, Hopewell Junction, requesting a 32’ rear yard and a 2’ side yard variance for an existing 16x32x5 above ground pool, an 18’ rear yard & 6’ side yard variance for an existing (310sf.) pool deck, a 14’ side line variance for an existing shed and a 22’ front line variance for an existing 21’X 6’ (126sf) front porch pursuant to Section 194-95 and 194-17 and the Schedule of Bulk Regulations.

John McMahon was present.

Chairperson Drummond asked how there became so many structures on this property. Mr. McMahon stated he has been there for 57 years and they just put things up. Now he wants to sell the house and these have become issues. Chairperson Drummond asked how long the structure have been there

because obviously the neighbors have not complained about them. Mr. McMahon stated the pool was built in 1991 and the deck was installed shortly after that. The pool was replaced approximately 5 years ago. He did reduce the deck and it is almost the same as it was originally. The neighbors have complained and he does not believe any of it is an eyesore. Chairperson Drummond stated the shed is almost on the property line. It is 1 foot in from the property line. Chairperson Drummond stated it is not an issue with the front property line. It is with the side yard. Chairperson Drummond asked if the porch brought the house closer to the road. Mr. McMahon stated that porch does not extend beyond the house on the side or on the front of the house. It is an L-shaped ranch and he built it on the side. Chairperson Drummond stated this is a corner lot. Chairperson Drummond asked how wide the front deck was. Mr. Limitone stated it is 28 feet to the front of the house. Mr. Rickett stated the deck extends 1 foot beyond the house. Chairperson Drummond asked when the house was built and Mr. McMahon said around 1960. Chairperson Drummond stated the house was built before zoning.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for June 24, 2025, meeting. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 8:18 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary