

Town of East Fishkill

ZONING BOARD OF APPEALS

February 24, 2026

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; Sinead McLoughlin, 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:

She stated the next meetings will be in Tuesday, March 24, 2026, and Tuesday, April 28, 2026. If there is bad weather and the Town Hall is closed, the meeting will be cancelled. It will not be postponed or rescheduled. Everything on that agenda will be moved to the next month and she asked if anyone is scheduled for a Public Hearing for that night, that they change the date on their sign to the next meeting date.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held January 27, 2026. Voted and carried unanimously.

Chairperson Drummond went through the procedures for the meeting. First is a Decision. This is an application that had its Public Hearing, and the Board had time to make their decision based on comments they may have received at that meeting. Next is a Public Hearing. This application is something the Board has already reviewed. 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. Next are Discussions. These are applications the Board has not yet had the opportunity to review. 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 discussion this evening. They will be given the opportunity to speak at the appropriate time.

DECISION:

Decision – Appeal 4143 – Robert Bertuzzi (6658-03-136301)

Robert Bertuzzi, 656 Beekman Rd., Hopewell Junction, requesting a 389’ size variance for a proposed 2-story detached garage with a 30’x32’ (960sq.ft) main floor and a (600sf) unfinished second floor for a total size of 1,560 sf, a variance for the garage to be located in the front yard and a 49’ front line variance, Pursuant to Section 194-107 and the Schedule of Bulk Regulations. Footprint of existing house is 1,952 sf.

No one present.

There was no discussion for this application.

APPEAL NUMBER: 4143

APPLICANT: Robert Bertuzzi

NAME OF PROJECT: A Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a detached garage to be located in the front yard and a 48’ front line Variance from the requirements of Note 11 of the Schedule of Bulk Regulations for a proposed detached garage (the “Variances”)

LOCATION: 656 Beekman Rd., Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6658-03-136301

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member: Norma Drummond

WHEREAS, the Applicant has applied to install a detached garage to store vehicles and other equipment pertinent to a single-family residential home, since all other storage space at the Property was full; and

WHEREAS, Beekman Road is a County Road, and note 11 of 194 Attachment 3 (Schedule of Bulk Regulations) reads, in part, that “On all parcels abutting any state or county road outside the hamlet areas identified in § 194-4.1, there shall be a minimum setback of 100 feet from the edge of the road pavement to any building”; and

WHEREAS, the Applicant originally applied for a two-story detached garage with a cupola; and

WHEREAS, based on feedback from the ZBA, the applicant lowered the height of the structure approximately 3’; and

WHEREAS, there are existing detached garages on neighboring properties; and

WHEREAS, the most impacted neighbor has sent a letter of support for the proposed garage; and

WHEREAS, in addition, the Applicant changed the proposed location of the detached garage in response to comments from the ZBA; and

WHEREAS, there is an existing tree line which would partially screen the proposed detached garage, and the Applicant has agreed to install additional screening; and

WHEREAS, the proposed detached garage needs its proposed height to accommodate a lift for the applicant to work on his own cars. The applicant has assured the board that there will be no commercial use, nor any apartment space in the proposed garage;

WHEREAS, the proposed detached garage includes residential siding and a neutral color to enhance its fit within the neighborhood; and

WHEREAS, the footprint of the existing house is 1,952 s.f.,

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

WHEREAS, the Legal Notice was published in the Poughkeepsie Journal on January 23, 2026; and

WHEREAS, the Zoning Board of Appeals held and closed the Public Hearing on January 27, 2026, but it reserved its decision for a subsequent meeting; 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 since there are other properties located nearby with a detached garage and the design of the proposed detached garage minimizes attention to the structure because of its residential design & color;

The desired result could not be achieved by other means since there is no other location on the Property that would be conducive to a detached garage due to the presence of existing screening, the location of the septic, and other topographical limitations. In addition, any location where the detached garage would be placed would require a Variance;

The Variance from Note 11 of the Schedule of Bulk Regulation 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 Robert Bertuzzi for a Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a detached garage to be located in the front yard and a 48' front line Variance from the requirements of Note 11 of the Schedule of Bulk Regulations for a detached garage subject to the following conditions:

1. The detached accessory garage shall never be converted to an accessory dwelling unit.
2. The applicant shall install screening after submitting a plan subject to the approval of the Town Planner.

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	No

PUBLIC HEARINGS:

Public Hearing – Appeal 4152 – Melissa Adams (6454-01-098786)

Melissa Adams & Jason Zrodowski, 18 Appalachian West, Hopewell Junction, requesting a 17’ sideline variance for a proposed 15’x20’ (300 sf) inground pool, Pursuant to Section 194-95 and the Schedule of Bulk Regulations.

Melissa Adams and Jason Zrodowski were present.

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

Chairperson Drummond stated the Board had the opportunity to review this application last month. Essentially, the condition for the applicant’s side yard that eliminated the ability to put the pool in without needing any variances was caused by the lot line re-alignment done a few years ago for the neighbor to be able to put in a pool. Given the topography of the applicant’s yard, there really is no other place that they could put the pool. They are not looking for an excessive size pool. It is a 15’ X 20’. Given that the neighbor’s pool is adjacent, any noise that will be coming from this pool would be impacting the neighbor that caused this issue in the first place.

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

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

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

APPEAL NUMBER: 4152

APPLICANT: Melissa Adams & Jason Zrodowski

NAME OF PROJECT: A 17' sideline Variance from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations for a proposed 15'x20' (300 s.f.) inground pool

LOCATION: 18 Appalachian West, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6454-01-098786

ZONING DISTRICT: R-2

Resolution offered by Zoning Board Member: Aziz Ahsan

WHEREAS, the Applicant seeks to install a 300 s.f. inground swimming pool; and

WHEREAS, due to the topography of the area, any noise or visual impacts from the proposed inground pool would be limited; and

WHEREAS, the lot is narrow, so there is no other area of the Property that would be conducive to a pool; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on February 11, 2026; 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 this is a moderately sized pool and another neighboring property owner already has a pool;

The lot line on the proposed pool side of the property was adjusted a couple of years ago to accommodate the installation of a pool by the neighbor. This lot line realignment created a hardship for the applicant’s ability to meet the proposed pool setbacks in the desired location.

The desired result could not be achieved by other means due to the topography and narrow width of the Property;

The Variance could be deemed substantial but any potential impacts are minimized by the topography of the Property; and

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 Melissa Adams & Jason Zrodowski for a 17’ sideline Variance from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations for a proposed 15’x20’ (300 s.f.) inground pool.

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 Lomitone

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

DISCUSSION:

DISCUSSION – Appeal 4153 – John Polasko (6557-02-946826)

John Polasko, 28 Sassafra Circle, Hopewell Junction, requesting a 10’ rear line variance for a proposed 12’X18’ (216sf) shed, pursuant to section 194-107 the Schedule of Bulk Regulations.

John Polasko was present.

Chairperson Drummond stated this is the first time they are looking at this application. This parcel is in the Four Corners development. She verified that the applicant has already received approval from his HOA and he said yes, their approval was conditional pending this Board’s approval. Chairperson Drummond stated the lots in Four Corners are smaller than the regular one-acre zoning as this was done as a cluster subdivision. The ability to put in a shed meeting the setbacks is very limited.

Chairperson Drummond asked what the color of the shed would be and Mr. Polasko stated it would be matching the color of the house. The shingles and the shutters would also match. She asked if it was visible to any of his neighbors. Mr. Polasko stated they would be able to see it from the back of their house. Chairperson Drummond asked if there was any screening between the properties. Mr. Polasko stated the neighbor has some trees by their deck. Chairperson Drummond asked if he has spoken with his neighbors about this and Mr. Polasko stated they are fine with it. Chairperson Drummond stated if they wanted to send letters in, they would not have to come to the next meeting for the Public Hearing.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Ahsan stated he had a concern regarding the jungle gym on the property and whether or not that was considered a structure. He asked if it was staked to the ground and on a concrete pad. Mr. Polasko stated it is staked to the ground, but not on a pad. Mr. Rickett stated it is counted as a structure, but it meets the setbacks, so it's just considered an accessory structure.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for March 24, 2026. Voted and carried unanimously.

DISCUSSION – Appeal 4155 – LEM Elite Reality, Inc. (6655-01-165698)

LEM Elite Reality, Inc. 551-555 Hosner Mountain Road, Stormville, requesting a Special Use Permit under the Zoning Ordinance and requiring a site plan, pursuant to section 194-132.

Paul Lanzotti was present.

Chairperson Drummond stated this is the first time they are looking at this application. She stated this property has a very unique history. It has been before this Board before. While it is in a residential area, there has been a commercial use on it although it is a very limited allowed commercial use. Apparently the applicant is looking to continue this. Mr. Lanzotti stated he purchased the building as is. He does not want to change it. He is looking to sell the property now and people have come to the town to see what the use is. They have been told it is only residential because they did not have a special use permit. Apparently they have since found a special use permit. He just wants to continue the special use permit. Chairperson Drummond stated the previous owner was granted a special permit back in 1999. It states that there are two businesses located inside this building. One will be a computer modeling machine shop and the other is a mail order business. She asked what businesses were in there now. Mr. Lanzotti stated right now, he is working there by himself. He did run a restoration business, so he stored dehumidifiers and fans in the warehouse area and used the office space upstairs as his office. Chairperson Drummond stated she is not sure that that was allowed. According to the resolution, "The applicant understands that there will be no expansion of this business since it is a nonconforming use in a residential zone." Mr. Lanzotti stated it was a storage facility and all he has used it for is storage. It is

garages. There is no machine shop or mail order business. Chairperson Drummond asked him how many employees he had. Mr. Lanzotti stated there were three people in the office, and he had four guys who would come in and pick up equipment and leave. Chairperson Drummond stated that means he had seven employees and the other part of this special use permit stated that employees will be limited to six. Mr. Lanzotti stated he thought that meant six on site. He stated at this time there is just him. He sold his business. He just uses office space. Mr. Rickett stated the applicant is trying to get clarification on what this special permit may allow going forward because he is trying to sell the business. Chairperson Drummond stated he is not in a business zone. He is in a residential zone with a non-conforming use. She asked why it would not be appropriate to have this property returned to residential use. Mr. Lanzotti stated the building that was built for this is 100 feet long and 30 or 32 feet deep. It doesn't look big from the road, but if you go around the back, it is long and doesn't fit into what would be a residential home. Mr. Rickett stated the other thing they realized is that the building straddles two parcels. These were never combined at any point for this special permit. Chairperson Drummond asked Mr. Lanzotti if he owned both lots and Mr. Lanzotti said yes. Mr. Rickett stated they should have combined these lots back in 1999. Mr. Lanzotti stated he has spoken to the Building Department, and he is trying to go through the county to try to merge these two lots. He pays 2 tax bills; one is for undeveloped property and the other is for the big buildings, which is significantly larger.

Chairperson Drummond stated part of the application that was submitted is something that is labeled a site plan. It is not a real site plan. There is no landscaping. There is a section labeled truck parking, but it has no delineation as to where that is. Mr. Lanzotti stated he thinks that used to be in the back of the building. Chairperson Drummond stated the neighbors are entitled to know that there are designated spaces, how many trucks are going to be in there, what's the screening that is required to be on the site, especially for a business use in a residential area. Mr. Lanzotti stated he took the survey and had an engineer draw up the use for it. He did not know that landscaping had to be on there. Everything has been there all along.

Chairperson Drummond stated the survey shows a single family house on the property as well. Mr. Lanzotti said yes. It is not a big house. It is a two bedroom house. Chairperson Drummond stated it is listed as a one-story frame house. And the other is a two-story frame building. There is also a storage unit tarp listed on the plans. She asked exactly what that was. Mr. Lanzotti stated that was there when he purchased it. It is like a Quonset Hut. Chairperson Drummond stated it is right on the property line. She

asked what is inside of it and what shape it was in. Mr. Lanzotti stated it has been there since he bought it. Chairperson Drummond asked how long he has owned this property and Mr. Lanzotti stated since the end of 2007. Chairperson Drummond stated she does not see a variance granted in the special permit from the zoning board for a structure to be on the property line. Mr. Rickett stated there was not. Mr. Lanzotti stated it is an aluminum frame with a tarp over it. Chairperson Drummond stated it sounds like it is a canvas structure, which is not allowed in the Town. She stated these are allowed as a temporary structure. Mr. Rickett stated fabric covered structures are not allowed. They need to get eyes on it, and he has not seen it yet. He stated when he hears Quonset Hut he thinks of something with a metal roof. Chairperson Drummond stated the paperwork says tarp. She asked if it was being used now and could it be removed and Mr. Lanzotti stated everything in there could be thrown out so it could be removed.

Chairperson Drummond stated the reason this is coming to this Board as a site plan is because it's a non-conforming use. They will actually have to notice the Planning Board that they will need to be Lead Agency to review this and then they will have to review the site plan. This is one of the few times when the Zoning Board has jurisdiction over a site plan. She would expect a full site plan to come to them that shows a full landscape plan, delineated parking, and the measurements of structures. She should be able to tell the size of the buildings and she cannot. She has measurements to property lines except for the Quonset Hut which shows nothing. She sees multiple roadways or driveways. One just stops. Mr. Lanzotti stated only the upper driveway is in use. She stated there is one that stops in the middle of nowhere and then further away is marked as truck parking. Mr. Lanzotti stated there is no asphalt there. There is a concrete slab in the middle, but he doesn't know what it is for, so they just left it there. Chairperson Drummond stated the concrete pad is showing on there. She asked what kind of landscaping there was, and Mr. Lanzotti said there is none. She asked the contours of the property. She asked if it were wooded and if the neighbors could see it. She asked how impactful this would be. Mr. Lanzotti stated the entire property is surrounded by the woods. It is an extremely private area. She asked about screening where the Quonset Hut is and Mr. Lanzotti stated that is all swamp area behind there. Chairperson Drummond asked how far away the swamp was because it may be wetlands that they need to worry about a buffer area. Mr. Lanzotti stated he has a survey someplace that says this abuts the Knapp property. He stated he does believe there are wetlands back there. Chairperson Drummond asked if Ms. Robbins has reviewed this yet and Mr. Rickett stated they did a memo on it, but they have not

gone much further than that. Mr. Lanzotti stated it is swampy and there is a little stream back there and it is swampy on the other side as well.

Chairperson Drummond stated she needs to do a site visit to this property. Mr. Lanzotti stated she is more than welcome to. This is how he purchased it and he just wants to be able to sell it. Chairperson Drummond stated she needs to see the impact on the neighborhood. Mr. Rickett stated the parcel that is vacant needs to be combined because the building does have a CO, but it also abuts the New York State DEC wetlands that do have buffers, but this building was permitted back in 1999. Chairperson Drummond stated there's a Quonset hut that shows up on a site plan now that is not mentioned in the ZBA approval from 26 years ago. Mr. Rickett stated that appears to sit right in the wetland. Mr. Lanzotti stated that could come down. Chairperson Drummond stated there is also a driveway. She asked if that was there previously. There is an asphalt area in the front that shows a pull off for parking there. If they only have six employees it could have been a reasonable parking area. Mr. Lanzotti stated that parking for the single family house. There is a walkway. Mr. Rickett stated parking for the special permit for the six employees was to be at the back of the building. Mr. Lanzotti stated there are five garage bays back there. Chairperson Drummond re-read the approvals from 1999. The parking for employees is listed as being in the back of the buildings. As she read further it states, "the variance is good for one year from the day it was granted. Variances are renewable for an additional year, if requested by the applicant." Attorney Cunningham stated that does not make any sense and may not be legally correct.

Chairperson Drummond asked what Mr. Lanzotti's end goal was and he stated he just wanted to be able to sell the building and have the special use permit on file so that when he sells it to someone they can verify that commercial use is approved in this residential zone and then the new owner can come and file for what business they want to have there. He stated he does not care what they do with it. He bought the building and have always used it as just one business. He just used the office space and storage. Chairperson Drummond asked if all of his storage was inside and he said yes. He has nothing that would be stored outside.

Chairperson Drummond asked what the square footage of the building was. Mr. Lanzotti stated he believes it is between 6000 to 6400 square feet. Chairperson Drummond stated the dimensions of the building on the plans would be helpful. Mr. Lanzotti stated he believes it is 100' X 32'. Mr. Rickett asked if the applicant could have Mr. Gillespie update the survey to be an actual site plan. He will know

what needs to be included. He will know to show what is immediately surrounding the area and if there is a line of disturbance. She does not need to see every individual tree but if an entire area is wooded that is what she needs to know. They should know the topography. She wants to know the front look of the property to know how impactful it is to anyone driving by. Mr. Lanzotti stated when he bought it, it had 10 inch wide brown cedar over yellow siding so it was weirdly striped. Back in 2008 he submitted a letter and they changed the siding so it is vinyl clapboard, so it looks like a residential house and it blends into the area. She asked if there was any kind of fencing or anything and Mr. Lanzotti said no. Chairperson Drummond stated she does want to see the parking spaces delineated. She wants to make sure there is a limit of 6 parking spaces or a limit of 6 employees. They need to know that any future owner and user of this property understands the restrictions. Mr. Lanzotti asked if they needed to paint parking stripes back there and she said no. They could delineate them with bumper or curb stops. Mr. Lanzotti stated the whole back is garage doors. There are five garage bays. Chairperson Drummond stated on the survey there shows four concrete pads at the back of the building. Mr. Lanzotti stated those are probably just to shovel in front of the doors. Some of the bays are doors. There are three garage doors and two doors. Mr. Ahsan stated they need to show on the site plan exactly where the parking will be.

Mr. Rickett asked if there was a refuse enclosure on the concrete pad in the middle of the parking lot. Mr. Lanzotti stated there is no refuse container at all. There are garbage pails that Royal picks up between the house and the business. Chairperson Drummond stated the garbage pickup is for the residential house and Mr. Lanzotti said yes. There is another garage on the top that is connected to the 100 foot long building. He believes that in 1948 the house was built with a detached garage. He was told in 1960 that building was built, but the Town has no record of it until the 70s. He stated the building that was built was attached to the detached garage, so they are connected by a door. When you come up to the front there is a single garage door and the building, so it doesn't look as long because that shortens the appearance of it. Up next to that garage is where the Royal Carting garbage cans are. Chairperson Drummond stated it looks like the asphalt driveway goes straight to there.

Mr. Ahsan stated he believes a site visit would be very helpful. Chairperson Drummond asked if they wanted to do one single site visit or if everyone wanted to do their own. Mr. Ahsan stated Chairperson Drummond can do it and he will be fine with that. He understands Mr. Rickett will also be going in to do his inspection as well. He verified to the applicant that the site plan needs to have all of the structures

and all of the dimensions on it, so they know what they're looking at. Chairperson Drummond stated they need the dimensions of the buildings and all of the parking marked in as well as the parking area to show the designation of the spaces. Mr. Lanzotti stated he believes maybe the landscaping was left off because they are not doing anything to change what has always been there. Chairperson Drummond stated she understands that, but when they do a Public Hearing and they hear from the neighbors they need to know what's there in case the neighbors ask for something. There may or may not be vegetation there now so it may or may not be necessary to add something. Mr. Lanzotti stated the adjacent neighbors have been there since long before, so they are aware of what the area looks like. If you just moved into the neighborhood you would just think it was a house.

Chairperson Drummond asked if there were tenants and Mr. Lanzotti stated there are tenants in the single family house.

Mr. Rickett stated since they are asking for a commercial business they should also identify that the commercial business should have a refuse enclosure and garbage for that business or two businesses whatever they may be. There should also be a delineated place for a gated enclosure on a pad where a dumpster would go. That location will need to be identified on the site plan. Mr. Lanzotti asked if it matters how far that area is from the swamp area. Chairperson Drummond stated it could. Mr. Lanzotti stated if you are bringing a truck back in there to pick something like that up it is easiest to just back straight in. Mr. Rickett stated he agrees and the best placement might be the far right hand corner behind the building. Mr. Lanzotti stated he thought it might be best on the Quonset hut side. Chairperson Drummond stated that is the left side not the right side. Mr. Rickett stated that hut might be completely in the wetlands. Mr. Rickett stated considering the buffer area, they might have to have the refuse right up against the building. Mr. Ahsan stated the engineer can figure it all out because he will have all of the records and we'll know where the buffers need to be. Chairperson Drummond stated it appears the building is all the way to the edge of the DEC wetlands. Mr. Lanzotti stated he is not sure where the line is because the lot is weirdly shaped. The survey is from before he purchased the property. He stated nothing has changed since then. Chairperson Drummond stated that means the survey they are using is over 20 years old.

Mr. Rickett asked if there was a residential apartment in the business building as well and Mr. Lanzotti said yes. It was there when he purchased the building. It is small on the far left hand side of the building.

It is a one bedroom apartment. He believes it may have been built when the building was built because there is a separate door into the stone for that area. Chairperson Drummond read the paperwork that states this property has served as a construction site, construction office storage use in addition to a residential apartment use since 2007. Mr. Lanzotti stated that apartment has been there longer than that. It is on the far left on the 2nd floor. Clerk Keenan stated there was never anything approved for use on the 2nd floor. Mr. Lanzotti stated it was there when he bought the property. No one seems to have a record of it. Chairperson Drummond verified that he is renting out the house plus renting out an apartment. This could be considered a caretaker's property, which is allowed in a business zone. She asked how big the apartment was. Mr. Lanzotti stated it is a one-bedroom, and he is not even sure it is 600 square feet. Chairperson Drummond stated it is important to know and if he wants to keep it, it will require a permit. Mr. Lanzotti stated Mr. Gillespie has all of the floor plans. He can have the floor plan put on the site plan. Chairperson Drummond stated now they have two residential uses plus a business use. She asked if some of the parking was for the tenants. Mr. Rickett stated they are only allowed one caretaker unit, so what is the house. Chairperson Drummond stated the house is a separate residential use. Mr. Rickett stated they are on the same parcel. Chairperson Drummond said technically, in his defense, the lot line runs through the building, so the apartment is probably on the other lot.

Chairperson Drummond stated they need to clean this up. She is unsure of what his timeline is. Mr. Lanzotti stated preferably quick because he has potential buyers. Chairperson Drummond stated it will take time because at a minimum tonight, she would like to get approval from this Board to serve notice on all of the involved agencies that they would be looking to declare themselves the lead agency. For that she needs 30 days notice to all of the other agencies. The next meeting is less than 30 days away because it is February currently. Unless they hear explicitly yes from all of the agencies they cannot move until the 30 day timeline is over. They would not be able to declare themselves as lead agency until the March meeting. She is just warning him that it will take a little bit of time.

MOTION made by Chairperson Drummond, seconded by Aziz Ahsan, to give notice of their intent to declare themselves lead agency for the special permit and any required variances. Voted and carried unanimously.

Chairperson Drummond asked that the attorney and clerk makes sure that the notice goes out as expeditiously as possible. They need to make sure they get all of the involved agencies as she is not even sure who will need to review this.

Chairperson Drummond asked what he needs to do to clean up the property line and if it is something that this Board needs to worry about. Attorney Cunningham stated at some point they might be required to merge the lots but first he believes they should look into it more to find out exactly why it has been two lots. This is not a normal property situation. He does understand this has nothing to do with the current applicant. Mr. Lanzotti stated that is why he got caught off guard with this, because nothing has changed since he purchased it. He just wants to do the right thing. Chairperson Drummond stated that is why they want to make sure they get everything cleaned up now and that anyone going forward knows exactly what's allowed and what's not allowed. This way they will have clean records for the Town's purposes. She stated the Town Planner does need to review the wetland issue and buffer. The applicant's design professionals should also be aware of the fact that there are wetlands. The wetlands should be delineated on a site plan.

Mr. Ahsan asked if they needed to have the lot lines removed. Mr. Rickett said yes because there is one building on two lots. If they were to do a municipal search today it would be called out as an encroachment. Mr. Ahsan asked if the ZBA could deal with the lot line issue. Mr. Rickett stated no because it is not a realignment, it's a merge. It has to be done by the County Clerk's office. Mr. Lanzotti asked if they get merged will he have more of an issue with the apartment. Chairperson Drummond stated she did not know. If they are granting variances they can grant variances for everything that is needed. There is a minimum square footage required for apartments and nobody has ever inspected this apartment. She needs to make sure it is safe for someone to be living there. Attorney Cunningham asked if there was anyone living in the apartment right now and Mr. Lanzotti said yes. Chairperson Drummond stated basic fundamental records need to be created. Mr. Rickett stated when he comes over he will need to get into all portions of the property. Mr. Lanzotti stated that is fine he has keys for everything and the tenant will be informed.

Mr. Lanzotti asked if he would be back at the next meeting and Chairperson Drummond stated there may be nothing they can do at the next meeting. They will put it on the agenda as a placeholder and let him know ahead of time if they don't have all of the notices back from the lead agency. The most they

would be able to do is review a revised site plan. Mr. Gillespie might need more than 30 days to get everything onto the site plan. She suggested he check with the office the week before to see whether or not he needs to come in for the next meeting. Mr. Lanzotti asked if he gets the site plan updated before then to just drop it off to Clerk Keenan and Chairperson Drummond said yes. Everything should be kept in one file in case neighbors want to come in and review anything. Mr. Lanzotti stated they should come see the building. From the front you would think it was just a house. He asked if they want the floor plans and Chairperson Drummond said yes. They need to make sure everything meets town code. She asked what was on the 2nd floor and Mr. Lanzotti stated it is just the apartment and the offices. She asked if there were elevators and Mr. Lanzotti said no. She asked if the public comes into this business and Mr. Lanzotti said no. She asked about access to the second floor if it is only stairs. If it does not have access to the second floor, it could be limited use. Mr. Lanzotti stated it is accessible from the second floor from the front of the building because it is at grade. It is the only thing they have changed since he bought the building. It was originally an overhead door. He took the overhead door out and they got a permit and CO and inspections and changed it to a double door, so you walk into the 2nd floor. He stated he is more than happy to have them come out and see it, so they understand.

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

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:52 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary