

Town of East Fishkill

ZONING BOARD OF APPEALS

November 25, 2025

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were 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 started by stating this is the last meeting of the year and she wanted to thank the Board members for their diligence, attendance, and participation. This Board works well together, and it is a pleasure working with each of them. She thanked the professionals and staff who also work with and support the Board for their time. She wished everyone a Happy Thanksgiving, Happy Holidays, Merry Christmas, and Happy New Year.

She stated the next meeting will be in January. 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.

She stated the schedule of meetings for 2026 has been included on the agenda as follows:

January 27	February 24	March 24	April 28	May 26
June 23	July 28	August 25	September 22	October 27
November 24	December 22			

Motion made by Aziz Ahsan, seconded by Rocco Limitone, to approve the 2026 meeting dates as proposed. Voted and carried unanimously.

Chairperson Drummond stated that the next meetings would be Tuesday, January 27, 2026, and Tuesday, February 24, 2026.

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

Chairperson Drummond went through the procedures for the meeting. First is Public Hearing. This is an application 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 the discussions for tonight. One of these applications the Board saw last month and needed more time with, the other one 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 these discussions this evening. They will be given the opportunity to speak at the appropriate time.

PUBLIC HEARING:

Public Hearing – Appeal 4150 – Adam Smith (6458-03-359345)

Adam Smith, 23 Glenn’s Way, Hopewell Junction, requesting a 15’ sideline variance for a 16’X36’ in ground pool, 10’ sideline variance for a patio and a 10’ sideline variance for a 9x16 (144sf) shed. Pursuant to the Schedule of Bulk Regulations.

No one was present.

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

Chairperson Drummond stated that the applicant had called earlier in the day and was having a medical emergency and was unable to attend this meeting. As this is a Public Hearing and there may be public

present, they would move forward the best they could. If there are questions that require answers, they will need to wait until the next time.

Chairperson Drummond stated last month the applicant said his children have been taking swimming lessons and they have been asking for a pool. He has lots of tree screening on the yard. He is asking for a 16'x36' pool, which is not an oversized pool by any means. He is also asking for a 16'x9' shed, which he said would have the 16' side coincide with the 16' end of the pool. The applicant stated he has planted over 150 arborvitaes on both sides for screening since he has lived there. His property drops down from the road, so this limits where he can put the pool. He also has a septic in the back. This is a rhombus shaped property. The front of the shed will be more than 10 feet from the property line, but the back end will be a little bit closer.

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

Chairperson Drummond asked if there was anyone from the public to speak for or against this application.

Mr. Manuel Rose lives at 14 Mockingbird Court. He has lived here since 1995 and feels the area as a whole has been overdeveloped. He feels that a 36' pool is excessive and they don't feel comfortable with that. They want to keep some nature over there and don't want to worry about bulldozers. It is a very sharp slope. There are little children in the area and he asked what would happen if a bulldozer came down the slope. He thinks they should go for a 24' pool and doesn't feel he should have to give up any of his property. Chairperson Drummond stated this application does not take any property away from the neighbors. She explained that he received the notice because his property is within 250 feet of this parcel, but there is no easement of impingement onto anyone else's property. This property is way up the hill and they won't be able to see the pool. Mrs. Rose stated they see the homes. Chairperson Drummond stated they would not see the pool. Mr. Rose stated they would see the construction equipment and he may tear down some trees. He stated they have had some issues with flooding in his backyard and they dug a trench to help prevent that. He doesn't want to have more flooding because of this construction. He again mentioned that one of the machines could tumble down the hill during the work because it is so steep.

Mrs. Anna Rose stated her concern is all of the changes with ongoing construction. When you look out of her window, she can see construction on top of the hill. They can hear all the noise when there are gathering on top of the hill and now they are looking to extend it even more. One of her concerns is that more trees are getting taken down and that could cause more runoff. Equipment will be louder and closer as they do this work. She feels nature should be allowed to be restored and not destroyed. She doesn't want to see her neighbors behind her.

Chairperson Drummond showed the Rose's the applicant's map of the property and the proposed location. He has 1.38 acres and the pool is all the way in the front nearest to his home. There is a lot of room between the rear of his house and their property line. He provided an aerial photo which showed a lot of tree cover on his property and stated that it is not his intention to disturb the trees. That is why he is proposing to put it where he is suggesting. He did tell the Board there is a slope on his property and this is one of the flattest areas to put the pool. He is trying to not disturb the earth as much as he can. He has already planted 150 arborvitae plants on his property to enhance and bring nature back. She does believe he is making a conscientious effort to be a good steward of the earth. He has found the location on his property that would have minimal impact. If the Roses are behind this application, there is a significant distance from where he is proposing to put this. Mr. Rose stated it doesn't look like that from his backyard. He feels it will be a significant impact. No matter what it is that the applicant is putting in, he doesn't want to see it. In the summer it's not as bad because there are trees there, but in the fall, the leaves are gone and they can see every home and when they leave lights on in the middle of the night....

Chairperson Drummond asked if he is talking about this specific home and Mr. Rose said no, all the homes up there.

Chairperson Drummond stated there was a letter received last month from the neighbor that is most impacted by this action. It is from Thomas and Kristin Raffaele at 35 Glenn's Way. They are adjacent to this application and aware of the proposed construction and variance requirement at 34 Glenn's Way. They have no objections.

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

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

**Town of East Fishkill
Zoning Board of Appeals**

APPEAL NUMBER: 4150

APPLICANT: Adam Smith

NAME OF PROJECT: A 15’ side line Variance from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations for a proposed 16’X36’ inground pool; a 10’ side line Variance from the requirements of the Schedule of Bulk Regulations for a proposed patio; and a 10’ side line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 9’x16’ (144 s.f.) shed (collectively the “Variances”)

LOCATION: 23 Glens Way, Hopewell Junction (the “Property”)

TAX MAP NUMBER: 6458-03-359345

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Rocco Limitone:

WHEREAS, the Applicant is proposing to install a pool; and

WHEREAS, the Applicant has already installed additional screening by planting arborvitae trees; and

WHEREAS, if the Applicant placed the pool and patio in another location, then it would require the removal of the natural screening; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on November 19, 2025; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on November 25, 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 and there is existing screening;

The desired result cannot be achieved by other means due to the location of the septic field, topography, and existing vegetative buffer;

The Variances could be deemed substantial, but the Applicant selected the locations for the structures requiring the Variances in order to preserve the natural screening;

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 Adam Smith for a 15' side line Variance from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations for a proposed 16'X36' inground pool; a 10' side line Variance from the requirements of the Schedule of Bulk Regulations for a proposed patio; and a 10' side line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 9'x16' (144 s.f.) shed.

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

Resolution Seconded by Zoning Board Member Aziz Ahsan

The votes were as follows:

Board Member Aziz Ahsan	Aye
Board Member Rocco Limitone	Aye
Board Member Alberto Paratore	Abesent
Board Member Art Mahony	Aye
Chairperson Norma Drummond	Aye

DISCUSSION:

DISCUSSION - 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 30x32 (960sq.ft) and a variance for the garage to be located in the front yard. Pursuant to Section 194-107 and the Schedule of Bulk Regulations. Footprint of existing house is 1,952.

Robert and Diana Bertuzzi were present.

Chairperson Drummond stated they did review this application last month and had an extensive discussion with Mr. Bertuzzi. She did tell him she would do a site visit, and she did meet him at his home. She did express her concerns. To his credit, there are at least four other properties in the immediate vicinity of his house with garages in the front yards. One of them is one that Mr. Bertuzzi pointed out as not being happy about having to look at it. They did discuss multiple other options and looked at his backyard. That area wouldn't work due to its topography. They discussed putting it on the side of the house, but he has a patio there and the size that he is talking about really wouldn't fit there. They discussed putting it catty-corner in the front where they discussed last month and connecting it with a breezeway over the patio, but there is not enough area to get the depth of a vehicle in there. The only other idea they did discuss was extending the existing garage out. Mr. Bertuzzi was concerned about how that would look, but it would give him an additional option. The only car that was in the existing garages was up on the lift, but the rest of the garage was full. She did state that the family does clearly need more storage space. His wife would like to park in the garage. They did discuss that the tree cover along Beekman Road is all pines. They are very tall and Mr. Bertuzzi has stated he would like to cut them all down because he is concerned about them falling on the new garage. Some would have to be cut to put the footings in. He had his son draw up a visual of what this would look like and it is very bold. It is right there as you are driving on Beekman Road. With its white trim and white doors on the garage, it is very visible. She is still concerned about its placement. They did have discussions regarding removing the second floor. The applicant stated the only reason he was proposing a second floor was because he had been told by the architect or engineer that by having a second floor it would eliminate the heat rising unnecessarily. It would save him some money. Chairperson Drummond stated he still needs at least 14 feet to get the lift in, but he doesn't need the 25 feet he was asking for. When she left the site visit she had asked him to think about a couple of things before he came back. She asked him at this point, what was it he is currently asking for. Mr. Bertuzzi stated he was going to eliminate the upstairs. Chairperson Drummond asked if he was just going to take out the physical boards for the second floor or bring the height of the building down. Mr. Bertuzzi stated he was just going to eliminate the floor and Chairperson Drummond stated that doesn't address the issue of the building being too tall. She stated it's going to look like a little house. Mr. Bertuzzi stated the garage is going to be four feet

lower than the existing garage. Chairperson Drummond stated she did see that. There is a slight rise as you go from Beekman Road to his existing house and garage. Mr. Bertuzzi stated he used a laser and the new garage floor will be four feet lower than the existing garage. Chairperson Drummond stated four feet is truly not significant and it is still a fairly large structure there. She stated the Board's conversations regarding reducing the second floor was really in regard to reducing the actual height of the building. She does understand that Mr. Bertuzzi stated he wanted the new garage to match the existing garage, but she doesn't feel that is a good enough reason to justify the height of the building. There are other garages in front yards in that area and they do understand there are other limitations on his property limiting where this could be placed. Those bright white doors and trim are so visible. Mr. Bertuzzi stated he could make those darker. He could make it the same color as the siding. He showed the rendition to the Board. Mr. Ahsan stated it looks like a house in front of a house. Mr. Bertuzzi asked if it would help if he brought it down to 22 feet. That with the four foot drop from the house should make it look smaller. He is trying to maintain the pitch. Chairperson Drummond asked if it needed to have the dormers on the front of it. They are what make it really look like a second house. He asked if he could keep it at 25 feet and get rid of the dormers. Chairperson Drummond stated it is up to the applicant to tell the Board what they want and then the Board will make a decision on that. The Board gives guidance on what they find has been problematic. They have to be careful of not setting a precedence that someone else would use against them to get something on their property. She stated no one disagrees that there are limitations on the parcel as to where this can be put. Mr. Limitone asked how much property he owns and Mr. Bertuzzi stated a little over an acre.

Chairperson Drummond asked if Mr. Bertuzzi had spoken to the neighbor to the left and he said they were in support of this and Mr. Bertuzzi stated he has told him about it and he seemed ok. The woman on the right is on Albertana Court. Chairperson Drummond stated in order to take this to a Public Hearing, they have to be able to tell the neighbors within 250 feet exactly what the applicant is looking for. They need to be able to see what it is that he is asking for. She stated changing the color of the doors would help. Reducing the height and eliminating the dormers would make it look less like a house and more like a garage. Mr. Bertuzzi stated he could eliminate the dormers and make it 22 feet high. Chairperson Drummond stated she understands for the lift to be functional, the height has to be 14 feet. She asked if the joist and the girder for the roof make up the additional eight feet. Mr. Bertuzzi stated if he lowers it to 22 feet with the four foot decrease in the topography, it's really going to be seven feet

lower than his garage is now. Chairperson Drummond stated that is just the visual impact from the road. Mr. Mahony stated that would still allow for some storage space in the garage. Mr. Bertuzzi stated he wouldn't put stairs in, but probably a drop ladder because he doesn't want to lose floor space. Chairperson Drummond asked if that meant he still was planning on a second floor. Mr. Bertuzzi stated it wasn't going to be a full second floor by dropping the height by three feet means that there may only be five feet of clearance upstairs, so it would be for minimal storage. If the Board wants him to eliminate the second floor, he will. Mr. Mahony stated there would be maybe knee walls on the sides and not full height in the middle.

Chairperson Drummond stated they discussed installation of plumbing. Mr. Bertuzzi stated that he believes he got approval from the Board of Health for the bathroom. He stated he wants to put in a toilet and a sink. Chairperson Drummond stated she did understand the need for a sink, but as she explained to him during the site visit, a 600 square foot second floor with a bathroom already in the building implies that it will be made into an accessory apartment. He is creating the potential for residential space. She asked Mr. Rickett if bathrooms were allowed in accessory structures and he said yes. Mr. Bertuzzi stated he spent \$6500 with the Board of Health already. He stated he worked on his car outside all day yesterday and had to keep running inside to use the bathroom.

Chairperson Drummond asked if anyone else had a chance to drive by. No one did. She stated on one hand she wants to hear from the neighbors. Mr. Limitone stated he does understand the concerns with putting a bathroom in there but also with wanting one when you're out working all day long. It does give the potential for the next owner to make it into residential space. That would also be a great potential selling point as well. It does look beautiful on the sketch. He did say maybe a smaller height or smaller footprint would be less noticeable and obtrusive. He suggested doing a rendering of something like that without the dormers and looking more shed like. Chairperson Drummond suggested having his son redo the photo with it being 3 feet lower, no dormers, and changing the color of the doors. Chairperson Drummond stated that Mr. Bertuzzi did point out to her that the lot caddy corner to his has an abandoned house that has been condemned. The current owner does not necessarily tell her what the future of this structure is going to look like. That's what they have to think about as well. The next owner may not take care of it as well as Mr. Bertuzzi takes care of his property currently. That is part of the charge of what this board is supposed to do. They are to not only look at the current owner but the potential for the

next owner and what could happen then. His property is very nicely maintained and beautifully kept. She has no doubt that what he will do will be very nice.

Mr. Bertuzzi stated he would have his son-in-law show a rendition with it lowered by three feet, no dormers, and different colored doors. Chairperson Drummond asked if it was going to be 22 feet high would it still have 600 square feet on the 2nd floor and Mr. Bertuzzi said no. Mr. Rickett stated they would lose some on the knee wall. Chairperson Drummond stated if they can reduce the ask they might be able to reduce one of the variances that is needed. Mr. Rickett stated they would have to look at the plans and see how much would be usable space. Mr. Bertuzzi stated it might be just 300 feet and it would just be in the middle. It would be 30 feet deep and 10 feet wide. It will need cross braces to support the rafters. Mr. Rickett said if they eliminate the second floor they eliminate the need for the second variance. Chairperson Drummond stated they did realize last month that they forgot one of the variances. Because this is outside of the Hopewell Hamlet a structure has to be at least 100 feet from a county or state road. That is why they had to change it.

Mr. Limitone asked if anyone had a problem with the bathroom. Chairperson Drummond stated she does not have an issue with just a sink. Mr. Bertuzzi stated it would just be 1/2 bath.

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

MOTION made by Aziz Ahsan, seconded by Art Mahony, to schedule this application for a Public Hearing for January 27, 2026. Voted and carried unanimously.

Chairperson Drummond stated it would be helpful if he spoke with his neighbors ahead of time. They can send in letters if they are unable to attend the meeting. Mr. Rickett asked That when the rendering from his son-in-law gets done, please send it to the office so that it can be reviewed ahead of time.

DISCUSSION – Appeal 4151 – Camille Riggio (6357-04-685419)

Camille Riggio, 230 Lake Walton Road, Hopewell Junction, is requesting a 15' sideline variance and a 50sf variance for a proposed 20'x 20' (400sf) carport, Pursuant to Section 194-107(d) and the Schedule of Bulk Regulations. This is the third accessory structure and it is over 350sf.

Brian Stokosa was present.

Mr. Stokosa stated they would like to put a carport up to shelter the vehicles that are on site. The location where they are showing it has existing asphalt driveway that used to serve the residence to the north. That was cut off as part of the subdivision. They do have existing pavement and a turn around there so when they put a carport over it, it fits very well on the property. It is 10 feet off of the property line. There is a solid PVC fence that goes along the property line and shelters it from the neighbors. In the front is a pre-existing detached garage. The PVC fence turns into the garage and has a gate on it. Coming down Lake Walton Road heading towards Stewarts you will probably only see the rooftop of the carport. The only time you might see it is if you were driving towards the Rail Trail and happened to glance between the existing house and the detached garage. Chairperson Drummond stated this property is wide open. She does agree that if you were driving towards Stewarts you won't see much of it. If you were coming from the other direction you can see the asphalt that is there. She asked why this would be a carport and not an actual garage. Mr. Riggio stated they do not want to spend that much money.

Chairperson Drummond asked what it was going to look like. Mr. Stokosa stated it would be a galvanized structure. It will have concrete footings just where the poles come down to keep it from moving in high winds. It is open in the front with no garage door. These sides are open. It is really just a covering on top. Chairperson Drummond asked if they were putting any landscaping in front of it or on the one side. She stated carports are not the most attractive structures. Mr. Riggio stated they had not thought about it. Chairperson Drummond stated even arborvitaes that the deer won't eat would be helpful. Mr. Riggio said he would have to ask his wife. Chairperson Drummond stated the property is very well maintained and the new structure is beautiful. They were very cooperative when they came in for the subdivision and fixed their garage. She does appreciate all they have done and how they maintain their property. They are far enough back that it should not be what draws attention but if they could put some approximately 5 arborvitaes up it would provide a lot of screening and be very helpful. It may only

take 3. Mr. Riggio stated he does respectfully disagree and thinks where they are going to put the garage, it fits perfectly on the property because the fence is there to block it from the neighbor. It is far enough back because they need access to the shed from the driveway. If they move it the 25 feet, they would lose that access. Chairperson Drummond does agree that putting it there is the right spot. Mr. Riggio feels it is blocked off enough by the existing garage, but he will speak to his wife about it.

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for January 27, 2026. Voted and carried unanimously.

Chairperson Drummond wished everyone happy holidays.

ADJOURNMENT

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

Respectfully submitted:

Julie J. Beyer

Meeting Secretary