

Town of East Fishkill

ZONING BOARD OF APPEALS

October 28, 2025

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were Alberto Paratore, Aziz Ahsan, Rocco Limitone, Art Mahony, and Norma Drummond. Michael Cunningham, Attorney. Jackie Keenan, Clerk, was 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, November 25, 2025, and there is no December meeting because it is usually Christmas week. The January date has not yet been voted on. It will most likely be the fourth Tuesday, but she will announce it at the next meeting.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held September 23, 2025, as amended. Voted and carried unanimously.

Chairperson Drummond went through the procedures for the meeting. First are the Public Hearings. These are applications 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. These are applications that this 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 HEARINGS:

PUBLIC HEARING – Appeal 4148- Jesse Alba (6457-04-889043)

Jesse Alba, 91 Saddle Ridge Dr., Hopewell Junction, requesting a 24’ side yard variance for a proposed 1 story detached garage 30X30 (900 sq. ft.) Pursuant to Section 194-17 and the Schedule of Bulk Regulations. Footprint of the existing house is 1,716.

Jesse Alba 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 applicant presumed, as many people do, that the property line of his property went with the tree line. His property use was based on that line of trees. When he got a survey done, he discovered that was not correct. Where he was planning on placing the garage was one foot off of the property line. Based on their discussion last month he was able to move it further in so that it is now 11 feet off of the property line. His current neighbor may not have objected, but a future owner may have. He does have septic fields in his back yard, so he moved it as much as he could, which is appreciated by the Board. The finish will match his existing house. Mr. Alba stated it will be the same siding and roof as his home.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Ahsan stated he did appreciate the applicant moving the location further away from the property line.

Chairperson Drummond asked if there was anyone 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: 4148

APPLICANT: Jesse Alba

NAME OF PROJECT: A 14' side yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed one story detached garage 30'X30' (900 s.f.)

LOCATION: 91 Saddle Ridge Dr., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6457-04-889043

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant seeks a detached garage for his cars and equipment; and

WHEREAS, the Applicant originally applied for a 24' side yard Variance, but reduced his request to a 14' side yard Variance request after presenting to the ZBA; and

WHEREAS, the Applicant was limited in moving the location of the proposed detached garage further due to the location of his septic field; and

WHEREAS, there is existing vegetative screening to minimize some of the visual impacts, and the Applicant plans to install additional vegetation; and

WHEREAS, the footprint of the existing house is 1,716 square feet, and no size Variance is required; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on October 22, 2025; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on October 28, 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 new garage will be partially screened;

The desired result cannot be achieved by other means due to the location of the septic field;

The Variance could be deemed substantial, but the Applicant reduced the size of the Variance as much as possible given the location of the septic field;

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 Jesse Alba for a 14' side yard Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed one story detached garage 30'X30' (900 s.f.).

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:

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| 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 4149 – Michael Ranellone (6355-00-838759)

Michael Ranellone, 8 Sunshine Lane, Hopewell Junction, requesting a 24’ size variance for a proposed 1 story detached garage 27’ X 32’ (864 sq. ft.) pursuant to Section 194-107 and the Schedule of Bulk Regulations. Footprint of the existing house is 1,400.

Michael Ranellone 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. She stated the only reason the applicant is here is because of 24 square feet. The size of the garage makes sense. It is a little larger than a standard two car garage, but it will allow for some storage space. He does meet the sideline regulations. It is pulled back from the driveway so it is less visible from the house.

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. There was no one.

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

APPEAL NUMBER: 4149

APPLICANT: Michael Ranellone

NAME OF PROJECT: A 24' size variance from the requirements of Section 194-107 of the Town Code for a proposed 1 story detached garage 27'X32' (864 s.f.)

LOCATION: 8 Sunshine Lane, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6355-00-838759

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Alberto Paratore

WHEREAS, Section 194-107(C) of the Town Code states, in part, that "[d]etached garages must be permanent and not a fabric-covered structure and may in no event exceed 750 square feet or 60% of the square footage of the footprint of the principal structure, whichever is greater in size and 1.5 stories or 25 feet in height"; and

WHEREAS, the footprint of the existing house is 1,400 square feet; and

WHEREAS, 60% of 1,400 s.f. is 840 s.f., which necessitated the Applicant applying for a size Variance of 24 s.f.;
and

WHEREAS, the finish of the detached garage will match the finish of the existing house; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on October 22, 2025; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on October 28, 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;

The desired result cannot be achieved by other means due to the manufacturer's dimensions of the garage;

The Variance is not 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 Michael Ranellone for a 24' size variance from the requirements of Section 194-107 of the Town Code for a proposed 1 story detached garage 27'X32' (864 s.f.).

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:

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

DISCUSSIONS:

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 it is very strange to have a two story garage in the front yard. Mr. Bertuzzi stated his house is 33 feet high and to put something small there would make it look like a shed. He feels it would look ridiculous. His plan is to have a high ceiling to have a car lift inside. He has several cars that he works on. He cannot put the garage in the back yard because that is where the septic

fields are. Chairperson Drummond stated it is very unusual to have garages in front yards. Mr. Bertuzzi stated his neighbor across the street has a garage on their front yard and his house is down beyond it. His driveway is the first one past the wooden fence just past Albertanna Ct.

Chairperson Drummond asked what the grade of the property was. Mr. Bertuzzi stated it is relatively flat. It does go up a little. Chairperson Drummond stated a lot of the properties in the area slope down and that would be a little better.

Chairperson Drummond asked if he was going to screen it from the road. Mr. Bertuzzi stated he would like to have a garage and that is the only possible place to put it.

Chairperson Drummond asked why it had to be two stories. Mr. Bertuzzi stated it didn't have to be, but he wanted it to match the house. It will match the height of his current garage, which is 25 feet high. He has a colonial. Chairperson Drummond stated it will look like there are two houses on this one property because of its size and that is her concern. Mr. Bertuzzi stated anything smaller will look ridiculous.

Mr. Ahsan asked if there was any place in the back where this could be placed. Mr. Bertuzzi stated no, because there are septic fields in the back and with the 100% expansion area, there is no room left. Also, there is shale back there and he would have to cut in a road and add retaining walls for it.

Mrs. Bertuzzi stated the plan was to take down the larger trees in the front, as there is a wooded area. They have already taken some of them down as they don't want anything hanging over the garage. Then they plan to plant smaller greenery which would block the garage. Mr. Bertuzzi stated some of the trees are 65 feet tall and some are dead already, so he has already taken a few down. Mr. Ahsan stated the garage is going to be 25 feet tall and the newly planted trees are not going to be tall enough to cover it. Mr. Limitone asked if the trees were off the roadway and Mr. Bertuzzi said yes. Chairperson Drummond asked how far back off of the road this was. Mr. Bertuzzi stated 51 feet. Chairperson Drummond stated they are barely meeting the minimum requirements. She asked what is in that 51 feet. Mr. Bertuzzi stated nothing. Chairperson Drummond stated this is going to stick out like a sore thumb. Mrs. Bertuzzi stated there are very large trees that are there. Chairperson Drummond stated she will need to drive by this applicant's property. Mr. Limitone asked if they had any photos from the road and Mr. Bertuzzi show them a few photos on his camera.

Mr. Ahsan asked if it was possible to attach this to his current garage. Mrs. Bertuzzi stated their driveway butts up against the neighbor's driveway. Chairperson Drummond stated the place they have

room is on the other side of their house. Mrs. Bertuzzi stated that side slopes down. Chairperson Drummond stated they could still work with it, especially if they are putting in a lift. Mr. Bertuzzi stated he is trying to match the existing garage, which has a 14 foot high ceiling. Chairperson Drummond asked how many bays are in the existing garage. Mr. Bertuzzi stated he has two bays. He has a couple of cars, a lawnmower, and a tractor. His wife parks outside. Mrs. Bertuzzi stated that her husband does everything top-notch. This plan has a cupola on the top of the roof. Chairperson Drummond stated she wonders if pushing this off to the side of the property would make it better. She stated right now it is even blocking the view of his house. Mr. Limitone asked if it could be put off the side of the driveway. Mr. Bertuzzi approached the Board to show them his plans. Mr. Ahsan asked about putting it by the apron area and Chairperson Drummond asked if it could be put at an angle. Mr. Bertuzzi stated that would put it right on the property line. Mr. Bertuzzi stated you cannot see the proposed garage area coming from one direction because of the existing trees and an existing wooden fence. From the other side you would be able to see it. Chairperson Drummond asked if it could be moved back more and Mr. Bertuzzi said yes because he has 35 feet. The way he has it planned, it lines up on the driveway. The septic is in the back. Chairperson Drummond stated it is so large that it will look like a house. She asked what the second floor would be for. Mr. Bertuzzi stated it would be for storage but he wants to keep the height so it matches the existing garage. Chairperson Drummond stated it would be less visible and intrusive if it was one-story. It would look more like a garage and less like a second house. Mr. Limitone stated his house is very well manicured and maintained. Chairperson Drummond stated part of their responsibility is to consider who will own it next. Chairperson Drummond asked what it would look like from the roadside. Mr. Bertuzzi stated there will be two windows and a window upstairs. He will be installing more trees. Mr. Ahsan stated it will need a driveway to get to the garage and Mr. Bertuzzi showed them where he is planning to put it. Chairperson Drummond stated it doesn't belong there. Mr. Bertuzzi stated he spent \$12,000 on plans already. If he gets shut down, he is throwing away \$12,000. Mr. Ahsan asked if the architect did not supply him with additional options for placements. Mr. Bertuzzi stated no. It took them eight months to get the plans. Mr. Ahsan stated he is surprised that the architect did not supply any additional options or suggestions for placement as this is a very big ask. Mr. Bertuzzi stated this is the only location on the property he can put it on.

Chairperson Drummond asked if he had spoken to any of the neighbors. Mr. Bertuzzi stated one of the neighbors is hoping he will get any of the dirt that is dug out. The other neighbor is relatively new but he did speak with her. Chairperson Drummond stated she is aware that there are several homes with large

garages in this area, but they are all behind the homes. Mr. Bertuzzi stated his neighbor across the Street has a garage right up at the roadway. Mr. Ahsan stated it could be grandfathered in. He stated if they approve this application, then next person coming in could want the same thing since it was approved for this applicant. It sets a precedence. Mr. Limitone stated it is always their job to try to balance it out.

Mr. Bertuzzi stated he has spent \$14,000 already between the plans and the permit. Mr. Paratore suggested moving it closer to the sideline and getting a sideline variance. Mr. Ahsan stated this will look like a huge two story house. They could be used as a separate house. Mr. Bertuzzi asked what if he were to eliminate the upstairs. Chairperson Drummond stated that would help. Mr. Bertuzzi stated he wants to keep the height. Mr. Limitone stated the height is what part of the issue is. Chairperson Drummond asked if he had a front elevation for these plans so they can see what the front of this garage will look like. Mr. Bertuzzi brought copies of plans back up to the Board. Chairperson Drummond stated it looks like a house with dormers. Mr. Ahsan asked if the cupola was over the 25 feet or was it included in the 25 feet and Mr. Bertuzzi stated it was over the 25 feet. Chairperson Drummond stated the code limits him to 25 feet. Mr. Limitone stated it is beautiful, but looks like a house. Mr. Mahony asked if it was possible to put it on the other side of the house. Mr. Bertuzzi stated he could but the driveway will go all the way out of the way and it will look ridiculous. Mr. Ahsan stated 32 x 30 is a huge building. Chairperson Drummond stated it cannot be put in at an angle on the other side because his well is there. Mr. Bertuzzi stated he is limited as to where he can put it because in the back, he would have to dig out everything and then he would not have the replacement room for the septic that is required.

Mr. Ahsan's suggestion was to figure someplace else to put it. Mr. Bertuzzi stated he could not move it. He could move it back a little. Mr. Ahsan stated he did mention to the first applicant that they moved their proposed garage by 10 feet and it was appreciated. He suggests that this applicant goes back to the building Department or other knowledgeable people and ask them what other options there might be and then come back next month or in January. Mr. Bertuzzi stated he cannot move it, he could push it back and make it 14 feet high if that would get approval.

Chairperson Drummond asked what kind of trees are planted along the front. Mr. Bertuzzi stated they are 65 foot high pine trees, but only the tops are green year-round because they are so tall. He stated there is brushed the grows in between so the summertime it is blocked. Chairperson Drummond asked if there would be screening all year round. Mr. Bertuzzi said yes.

Chairperson Drummond stated at a minimum, she believes the second story has to come off. She asked him how high he needs for the lift. Mr. Bertuzzi stated he needs 14 feet for the lift, but then when you go out for the peak it still 25 feet. He stated the only reason the second story is there is because he wants to keep the garage matching the existing garage. He doesn't want all of the heat going to the peak so there will be a ceiling at 14 feet so that it is the only area that will be heated. Chairperson Drummond stated he could still keeping the 14 foot high ceiling and still have the whole structure be lower than 25 feet. She stated even 20 feet is better than 25 feet. The cupola has to go. Mr. Mahony stated they could probably get to 18 feet with a lesser pitch on the roof. Mr. Bertuzzi stated then it will not match his house and it will look ridiculous. Chairperson Drummond stated that he could put the cupola back on it and he stated at that point he does not want the cupola. He doesn't want to throw something on the property just to have it or he would have put the tent in the front. He would put two tents up and leave them there all year long. Chairperson Drummond stated they are temporary structures and cannot be there for longer than six months. He stated once he puts them up, they will stay there. Chairperson Drummond stated they pulled up his property on Google maps and there is some screening there. They also had an aerial view of the house.

Mr. Ahsan said this is a big ask. Mr. Bertuzzi stated this has taken him eight months and so much money on the plans. Chairperson Drummond stated this is the first time the Board is seeing this application. He needs to give them a chance to see it and to work with him to see what the options are.

Chairperson Drummond asked how far back the house was from the road. Mr. Bertuzzi stated it is 275 feet from the road. Mr. Mahony stated according to the plans, it is 140 feet. Chairperson Drummond stated it has to be more tucked in and moved back at least 10 feet. Mr. Bertuzzi stated he would have Mr. Oswald do that. He also asked them to do the site visit. Chairperson Drummond stated they also have to hear from the neighbors. Mr. Limitone asked who owns the trees between his house and the house to his right and Mr. Bertuzzi stated they are his neighbor's trees and they are Pines. He stated he is also planning on putting in more trees.

Chairperson Drummond stated the Board needs him to think about reducing the height. She stated it can look nice and not be 25 feet tall. It is a separate structure. Mr. Ahsan stated it definitely needs to be lowered because it is too big. Chairperson Drummond stated it should not be looking like a house in front of the house. Mr. Limitone stated if it is more like a garage with a smaller footprints it would be better. Chairperson Drummond stated they appreciate he is trying to make it look very nice, but they

have to be careful with the precedent that they set for the next person coming in for a garage in the front yard. It is not just this property.

Chairperson Drummond will do a site visit and she requested the rest of the Board do so as well. Mr. Bertuzzi stated if he moves it back his cars will be going in front of his house. Chairperson Drummond stated they understand that.

DISCUSSION – 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.

Adam Smith present.

Chairperson Drummond asked if the pool was already existing and Mr. Smith said no. His children have taken swimming lessons this year, and now they are pestering him for a pool. He would like the pool to be 16' x 36'. Chairperson Drummond stated that is not an oversized pool. Mr. Smith stated they will have a small, shallow swim deck for approximately 12 feet. Chairperson Drummond asked if this was in Eagle Ridge and adjacent to the golf course. Mr. Smith said it is in Eagle Ridge, but the golf course is on the other side. Chairperson Drummond stated one of the neighbors has already sent a notarized affidavit in support of this application. Chairperson Drummond asked if the other side of his property was not developed. Mr. Smith stated the neighbor has a much larger lot, so there is a lot of space between the houses. Chairperson Drummond stated there is a lot of tree coverage in Mr. Smith's yard. Mr. Smith stated he also planted 150 arborvitaes on both sides of his property to have year-round coverage. Chairperson Drummond stated their ability to put this anywhere else would necessitate cutting down trees. Mr. Smith said yes. There are several hundred year old trees on the property and he would prefer not to cut anything down. He has rope swings on some of the trees for his girls.

Chairperson Drummond asked what the topography of his lot was and Mr. Smith stated it slopes down behind him and his house is below the road level as well. This proposed location is still sloped but not as

sloped. The back side of his property is where his septic is and he would like to be close to the house for the safety aspects as well. All the arborvitae's are a foot and a half apart.

Chairperson Drummond stated this location makes sense.

Mr. Smith asked about the patio approval as well. Chairperson Drummond stated there is a 10 foot sideline variance for the patio and a 10 foot sideline variance for a shed also in here. He needs 15 feet for the pool, 10 feet for the patio, and 10 feet for the shed. She asked why the shed needs to be that close to the property line. Mr. Smith stated that the lot is shaped like a rhombus. The front corner of the shed will be at least 10 feet, but the back corner will be closer because of the shape of the property. He wanted to keep it perpendicular to the pool and then it will block the pool from the road view.

Chairperson Drummond asked if the shed was going to be for pool equipment and Mr. Smith said yes and also for winter storage. The shed will be 9 x 16, as he would like to keep it the same width as the pool.

Mr. Ahsan asked if there would be a shed for the pool utilities and Mr. Smith said no. They are actually down below the pool. They will not be in any structure. It will just be the pool pump and the panel for the electric. He does want to keep it on that side because the pool pumps are pretty loud and it will keep it away from the house.

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 October 28, 2025, meeting. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:55 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary