

Town of East Fishkill

ZONING BOARD OF APPEALS

March 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.

Chairperson Drummond led the meeting with the Pledge of Allegiance.

CHAIRPERSON'S COMMENTS:

Chairperson Drummond stated the next meetings will be in Tuesday, April 28, 2026, and Tuesday, May 26, 2026. She stated there would be no action on item 2. The applicant still has to work with the Planning Board. They are also waiting for the lead agency notices to come back and a few other things. They are just not ready to have the Zoning Board take any action yet.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held February 24 , 2026. Voted and carried unanimously.

Chairperson Drummond went through the procedures for the meeting. First 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.

PUBLIC HEARING:

Public Hearing – 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.

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 parcel is in the Four Corners Subdivision. They are looking for a 12’X18’ shed, so it is not an overly large shed. Four Corners has smaller lots than most of the rest of the Town, so putting anything in your backyard probably needs a variance. Based on what he told the Board last month, the shed is going to match his house. He had stated the neighbor who would be most impacted had some trees by their deck, but they probably would still be able to see the shed. He had stated he had spoken to them. No correspondence was received on this application.

Chairperson Drummond verified that Mr. Polasko had HOA approval. Mr. Polasko stated yes, contingent on this Board’s approval. She asked what was directly behind him. He stated it is woods, then a service road, and then more woods and then the Fishkill Creek and then more woods. Chairperson Drummond stated there would be no one behind him to be impacted and the neighbor they spoke about was to the side.

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: 4153
APPLICANT: John Polasko
NAME OF PROJECT: A 10' rear line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 12'x18' (216 square foot) shed
LOCATION: 28 SassafRAS Circle, Hopewell Junction (the "Property")
TAX MAP NUMBER: 6557-02-946826
ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant seeks to construct a **12' x 18' (216 square foot) detached shed** in the rear yard of the property; and

WHEREAS, the rear of the Property abuts Four Corners HOA Property so the shed will not have a visual impact on the neighbors; and

WHEREAS, the HOA has already indicated its approval of the proposal; and

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

WHEREAS, the **Legal Notice of the Public Hearing** was duly published in Southern Dutchess New on March 18, 2026; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on March 24, 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 as the proposed shed is a typical accessory structure commonly associated with residential properties;

The desired result cannot be achieved by other means due to the layout and size of the of the property given it is in the Four Corners community;

The Variance **is not substantial in nature**, and relates only to a small accessory structure;

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 John Polasko for a 10’ rear line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 12’x18’ (216 square foot) 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 Rocca 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 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.

No one was present.

Chairperson Drummond reiterated that there was going to be no action on this application at this time.

DISCUSSION – Appeal 4154 – Linda Castells (6354-00-797930)

Linda Castells, 199 E. Hook Rd., Hopewell Junction, requesting a 20' sideline variance for an existing 17'X20' (340sf) deck and a 20' sideline variance for an existing 12'x12' (144sf) gazebo, Pursuant to Section 194-95 and the Schedule of Bulk Regulations

Linda Castells and Mr. Monsolino were present.

Chairperson Drummond stated this is the first time they are seeing this application. She asked her understanding is that the gazebo is on top of the deck. Ms. Castells said that was correct. Chairperson Drummond asked who constructed the deck. Ms. Castells stated they purchased the house in April 2013. Chairperson Drummond stated the floating deck was built in 2014. It is considered a floating deck because it is not attached to any other structure. She asked why it was put in this location. She read a statement on the application that said the contractor had recommended this placement due to a septic system located on the other side. Ms. Castells said that was correct. Chairperson Drummond stated that puts it five feet off of the neighboring property line. She asked who that property belonged to. Ms. Castells stated she believes it is part of the Wright Farm, but that side is wooded. Chairperson Drummond asked if there was any screening on the applicant's property and Mr. Monsolino stated there are trees all around his property.

Board Member Ahsan asked for an explanation of a floating deck. Chairperson Drummond stated it was not attached to the house. It is on a platform, but it has footings, so it can't just get pushed over. Mr. Monsolino stated it is a foot off the ground all the way around. He stated the gazebo is moveable, but they would like to keep it.

Chairperson Drummond asked what triggered them coming in now. Ms. Castells stated they got a letter around Thanksgiving telling them to come in and start the process to get a permit. Mr. Monsolino stated

in 2013 they hired a contractor to do the work, so they thought everything was done properly. They even put in a pool. Ms. Castells stated it has been there since 2013 and has never been an issue until now. Mr. Monsolino stated there is a new house going in down the road and maybe the inspector noticed it. Mr. Rickett stated it was based on a neighbor complaint.

Chairperson Drummond asked how far off the ground it was and Mr. Monsolino stated a foot all the way around. He said he could fill it all in around it, if that would help. Chairperson Drummond stated that would not make it a deck. Mr. Rickett stated it has tracks and a railing. He gave the Board pictures to review. Mr. Monsolino stated his yard is sloped, so when you walk down towards it, you walk onto it level and it's higher in the back as the ground continues to slope and back there it's probably closer to 20 inches off the ground. That's why there is a railing. It's set back about 200 feet from the road. Chairperson Drummond stated it appears to be behind garages, so it doesn't look like it's visible from the road. It does appear to be very nice.

Board Member Ahsan asked if the pool was installed with all its permits and Mr. Rickett said yes.

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

Mr. Mahony asked if there was another structure behind the deck. Mr. Rickett stated there are two gazebos, but one is undersized and meets all the setbacks and doesn't require a permit. It is closer to the house. The one in the back on the deck is the one that is too close to the property line.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for April 28, 2026. Voted and carried unanimously.

DISCUSSION – Appeal 4156 – Brenden Hafemann (6458-01-440631)

Brenden Hafemann, 17 Flanders Rd, Wappingers Falls, requesting variances for a proposed detached garage in the front yard, 5' front line, 15' sideline, and a 394sf size variance for a proposed 30'X40' (1,200sf) detached garage, Pursuant to Section 194-107 and the Schedule of Bulk Regulations. Footprint of existing house is 1,344sf.

Brenden Hafemann was present.

Chairperson Drummond stated this is the first time they are seeing this application. She asked why the applicant is looking for a structure of this size, what it would look like, and why does it need to be in this location.

Mr. Hafemann stated he has seven vehicles that are registered and insured in his and his wife's name. Four of them are classic cars that do not get driven very often. He currently has a three car garage, which means there are four cars that are not inside a garage. He also drives a company vehicle during the week, so he doesn't drive his personal vehicles during the week. He would like to keep them garaged. He picked the front yard because there is an elevation change at the end of his driveway now that is a four foot grade change. He believes putting in anywhere else would require moving a lot of dirt and that would be very costly. That also keeps it away from most of his neighbors. If you drive down his road, he is the first house on the dead end. His property is basically surrounded by trees. When you get to Picardi Court, which is a left hand turn, then it is his property and then two other houses at the end. You cannot see his house from the road in the spring or summer because it is covered by foliage. This gives him the room that he needs, and it doesn't need to be right next to his house. More than half of his property is in his front yard. His backyard is fenced in for his children and his dogs, all of whom are outside all the time with him.

Chairperson Drummond stated this is a house that she walks by daily. She has been past it multiple times. Flanders Road has a wide open area up until you get to the pond. His house and the house next to him are lined with trees on both sides. People on that street do have detached garages on both sides of the street. They matched their homes. He has a shed that is only 5 feet 7 inches from the property line that does not match the house. It is a different color, and it is also too close to the property line. There is also one door taller than the others on his three car garage. Mr. Hafemann stated it is still only 7 feet tall inside. Basically, it used to be an old porch and when he bought the house they converted underneath the porch into the garage and then finished the porch into what is now their dining room. Chairperson Drummond stated she has seen his company vehicle as she walks on the road. It is parked at the end of the driveway. The character of the neighborhood does allow for detached garages behind the homes. That's why her first question is why does it need to be in the front yard. His map gives the impression that it is a significant distance, but it really isn't. He also already has a three car garage. She does

understand that he has classic cars. She asked what the structure would look like. He stated it will be 3 doors. He does have pictures of other buildings that the company has built if the Board would like to see them. Chairperson Drummond asked if it was going to match his house. He said it will be basically as close to the color scheme of his house that they can get. Chairperson Drummond asked if it was going to be a wood framed built structure. Mr. Hafemann stated it is a wood framed built structure. It is metal sided and metal roofed. It has one foot overhang eaves all the way around. Chairperson Drummond stated his house is not metal sided. Mr. Hafemann stated it will be the same color scheme. It will look like a residential house. Chairperson Drummond stated that is part of the issue. 1,200 square feet is very large, and the footprint of his house is 1,344 square feet. Mr. Hafemann stated a pickup truck is 23 feet long. To put that in a garage and then be able to walk around it or open the doors takes a lot of space and it is also over 7 feet tall. He cannot park it in the garage at the house now. He would like to build a building to be able to put the classic cars in it with his pickup truck and he would like to have a lift in there in order to work on his vehicles. Chairperson Drummond asked how tall this building would be. Mr. Hafemann stated the building itself is 16 feet tall. The interior height is 12 foot 6 inches. Chairperson Drummond asked if that was going to be sufficient for a lift. She asked if the normal lift height is 14 feet. Mr. Hafemann stated the top of the lift is 12 foot four and the interior height will be 12 foot six.

Mr. Ahsan asked if it would be possible to get it closer to his house as it seemed like it was quite far away. Mr. Hafemann stated that could be possible. He asked how much closer they would like it to be. Chairperson Drummond stated it is not up to the Board to tell the applicant what to do. Mr. Hafemann stated he lives next door to his in-laws who have lived on the road for almost 30 years now. He is trying to keep it away from their house and by having it that far forward it keeps the garage away from their house as well. Mr. Limitone asked how far away from the house it was. Chairperson Drummond stated it is at least 100 feet from the house based on the measurements that he has provided. She asked where his septic was and he stated it was directly in front of the house. Chairperson Drummond asked why it could not be put in the backyard. Mr. Hafemann stated that his well is where he would have chosen to put it. When they added the garage when they purchased the house they re-ran the line from the well to the house. If he were to move the garage there that line might need to be redone. That would be an additional cost plus the cost of all of the dirt to put in four feet of fill. Chairperson Drummond did agree that his backyard goes up. Mr. Hafemann stated even if he made it smaller but kept the width of 30 feet he would still need a pretty sizeable side yard variance otherwise he wouldn't have space between his

house and the garage. By the time he leaves six feet in between for a lawn mower it would probably only be 6 feet off of the property line. Chairperson Drummond asked how many bays this garage was going to be. Mr. Hafemann stated it was going to be 3.

Mr. Limitone stated on the side of the property it says there is 35 feet to where the chain link fence is. He asked why they would not want to put it there. Mr. Hafemann stated that is the side with the septic and then he would be driving over the septic to get to it. If it is 35 feet from the house to the garage he would still need a sizable setback to get over there. Chairperson Drummond stated he would, but then it would be in line with the house. Mr. Hafemann stated from the corner of the house to that property line the grade drops off pretty significantly. Chairperson Drummond stated then he could put in a pit as opposed to a lift. Mr. Hafemann stated he thought those were no longer legal. Chairperson Drummond stated she is not a car person.

Mr. Rickett asked if there were any small sheds in the backyard currently. Mr. Hafemann stated there is just one shed back there. Chairperson Drummond stated that does not meet the zoning requirements either. She asked him if he was going to move the shed. Mr. Rickett stated back in 1993 they got variances for two other sheds on the property but not the one that is there now. That one is 5 foot 7 inches from the property line so they will need to clean that up. Chairperson Drummond stated that will need a 10 foot sideline variance.

Chairperson Drummond asked if he had spoken to his neighbors about the garage. Mr. Hafemann stated yes but they were not very happy about it. His in laws will support him because he is their son-in-law. Their other neighbors are not very happy with it. They don't like the idea of having it in the front yard and he does understand that, but he has his hobbies and his interests and still feels that it is his property and there is enough space that it will not ruin the look of his house or his property. They are here tonight as well. He does feel that putting it in the backyard is an increased cost and then he would be dealing with drainage and possibly needing some sort of wall around the garage. He stated he is looking to build a pole barn. Chairperson Drummond stated he said it was a wood frame structure and now he's saying it's a pole barn. Mr. Hafemann stated is a wood frame structure. Chairperson Drummond asked if it was a finished garage. Mr. Hafemann said it would be. Mr. Limitone stated it says pole barn on the paperwork. Mr. Hafemann provided pictures of what it is. Chairperson Drummond stated she has made it clear before, and she is making it clear again that she is not in favor of garages in front yards. Mr.

Hafemann provided the board with pictures and stated you wouldn't be able to tell what it is. It does not look like a pole barn. It looks like a garage.

Mr. Ahsan stated he believes there needs to be a site visit to see if he has alternatives. He does not see the sort of hardship in this application to put it so far in the front yard. He does not see a reason why it needs to be so far in front of the house and by the road. Mr. Hafemann stated he thought you also were required to have room for a septic replacement so if the septic system failed now he would have to add in front of it. Chairperson Drummond stated it is called a 100% expansion area. She stated normally a survey will show where the septic fields are and that is not on his map. It should show the septic area plus the expansion area. She asked when the survey was from and Mr. Hafemann stated it was from January. Chairperson Drummond stated the surveyor should be able to put the septic and where the expansion area is on the map. That will tell them if there is room to move the garage back.

Mr. Ahsan stated he would rather see it closer to the house or attached to the house. Chairperson Drummond stated ideally it would be attached to the house. Mr. Limitone stated that's why he was thinking it could go on the side. Chairperson Drummond stated they do need to take the neighbors, concerns into consideration as well. She stated if they were to fill up the area with trees the neighbors would probably rather have a solid wall that is connected to the house. That would be putting it in the backyard on the shed side. Mr. Limitone stated if you attached it to the house it would look beautiful.

Mr. Ahsan stated he is suggesting a site visit because he does not feel this is sufficient at this point to move forward.

Chairperson Drummond stated they need the survey updated with information about where the septic is located and where the fields in the expansion area are. She stated he also needs to explore if he has other options right now because she is not seeing that he has enough support to move this forward to a public hearing. The applicant does have options. He's not even meeting the minimum requirement for a structure in the front yard. Mr. Hafemann stated his biggest thing was trying to keep it away from the other neighbor's house. That way if he starts a car and pulls it in and out he's not disturbing the neighbors as much. They could move it to take away the five feet request.

Mr. Limitone asked if the neighbor's house was set back as far as his. Mr. Hafemann said 19 Flanders is, but 15 Flanders is well in the front of his.

Chairperson Drummond asked how he was going to access this garage. Mr. Hafemann said basically he would be using his existing driveway and then cutting across the yard to get into the garage. Chairperson Drummond asked if he would still continue to park the truck that he drives for work on the side. Mr. Hafemann stated he would not have to. He basically parks it there because having it back by the house makes it so he cannot get in and out of his garages. By keeping it closer to the road it is also limiting the truck noise, so he is not disturbing the neighbors so much when he leaves early. Chairperson Drummond stated she does appreciate that and the neighbors probably appreciate that as well. She stated when you're working on vehicles it is noisy. All of the tools generate noise. She asked if there would be any commercial use of this garage and Mr. Hafemann said no it is for private use only.

Chairperson Drummond told him to provide a new survey and to reconsider if he has other options and they will put him on the agenda for next month.

Chairperson Drummond told his neighbors that at the appropriate time they will get notice that will invite them to a Public Hearing if it gets to that point.

DISCUSSION – Appeal 4157 – Christine Otero (6457-03-461167)

Christine Otero, 12 Jay Lane, Hopewell Junction, requesting an 11' sideline variance for an existing 16'X28' (448sf) detached garage, Pursuant to Section 194-107 and the Schedule of Bulk Regulations

Christine Otero was present.

Chairperson Drummond stated this is the first time they are seeing this application. She stated this is a detached garage in the backyard. Chairperson Drummond asked if she was on the side of the wetlands or on the side of the dentist. Ms. Otero stated she is on the side of the dentist. Chairperson Drummond stated that both neighbors have similar structures in similar areas due to the slope of the property. The barn garage is existing. She asked if the garage was there when they purchased the property or if they had the garage put up. Ms. Otero stated they put it up. Chairperson Drummond asked if it was done with permits and Ms. Otero said no. Chairperson Drummond asked how long it had been there. Ms. Otero

stated it was constructed in the summer of 2022. Chairperson Drummond asked why it was put in that location. She asked if the existing house had a garage. Ms. Otero stated yes. There is a 2 bay garage there. The new garage has one bay. It is considered a garage because it has the roll up doors but is really just a shed. It is to store outside furniture. Chairperson Drummond stated it is 16 feet by 28 feet so they could fit a vehicle in there, but she verified it is for outdoor household equipment and Ms. Otero said yes. It is in the back of their property on the left. Chairperson Drummond stated it looks like the neighbor has a garage there as well. Ms. Otero said yes.

Chairperson Drummond asked if she has spoken to her neighbors and Ms. Otero said no not yet. Chairperson Drummond stated if she has an opportunity between now and April to do that it would be good to give them a heads up.

Chairperson Drummond asked what it looks like. Ms. Otero stated it does conform with the house. It has the same color shingles and the same color paint. So it matches the existing house.

Mr. Ahsan stated the map shows an old lot line. He asked if this was two parcels or one parcel. Ms. Otero stated she did not even realize that was there until she had the survey done. It is .95 acres. Most of the lots further down are approximately half the size of this lot so it must have been built on 2 lots originally. Mr. Ahsan asked if that had been addressed. Mr. Rickett stated when you look on parcel access it shows it as one parcel. Mr. Ahsan stated it is still showing on the survey which is dated January 12, 2026. Chairperson Drummond stated that can be cleaned up.

Chairperson Drummond asked if the pool had a permit and Mr. Rickett said yes. Everything else on the site is permitted. Chairperson Drummond asked if the pool meets the setback requirements and Mr. Rickett stated it did when it was put in.

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for April 28, 2026. Voted and carried unanimously.

DISCUSSION – Appeal 4158 – Christopher Scotto (6556-01-165625)

Christopher Scotto, 8 Barrett Dr., Hopewell Junction, requesting an Interpretation of a special use permit for a professional in Home Office, pursuant to section 194-90.

Christopher Scotto was present.

Chairperson Drummond stated the applicant is looking to get an FFL. Mr. Scotto stated in the beginning there were a lot of things that he thought he wanted to do. After waiting so long to get on the agenda he has drastically reduced what he would like to do. There will be no gun store as far as display cases or anything like that. The FFL is required if he does work on any firearm that has a serial number because that part is considered a firearm. He would be required to have an FFL7, which is a manufacturer's designation because he would be altering the firearm. If he paints, cerakote, powder coat, does anything to a part that has a serial number on it, he is required to have an FFL7. That also gives him the legal right to sell or transfer a firearm, but that is not what he is looking to do. If you were gunsmithing and you want scopes or a different barrel or something custom built legally it has to meet the legal guidelines and that is the work he is looking to do. He does not want any inventory at his house as he has a six year old daughter. He is not looking for people in and out of his house. He has spoken with the ATF to go over everything that they require. He has spoken with the Dutchess County Sheriff's Office to discuss everything that they require if this does move forward. He was told by them that he is actually exceeding New York State requirements as far as security systems, cameras, knowing who is coming in and out, glass break security and motion sensors. He has home security throughout the entire house. It is also 24 hour monitored by the Police Department, Fire Department and EMS. He has fireproof safes for both the business and for his personal stock. There will be no stockpile of ammunition or of guns. He would typically be working on one firearm at a time. That firearm would stay in its own separate safe because New York State law says that he cannot have his firearms integrated with the company firearms or client firearms. Chairperson Drummond asked if he could have multiple client firearms in a separate safe and Mr. Scotto said yes. They would be tagged with the client's name on them, and they would be logged in as well. Anyone that brings in a firearm would have it logged into the book and logged out when it is given back to them. He did write up a letter to the zoning administrator regarding if someone wants to do a transfer. Collectors is a business in town that he has dealt with for years. If someone wants to buy

something from a broker and have it transferred to an FFL and picked up from there he would be telling them to go to Collectors. If someone were to want a custom built firearm it would come to him and when it is finished it is going to be transferred to the FFL of their choosing whether it be here or another state or county and then it would be sent there. He does not want an abundance of firearms at his home, nor does he want a lot of traffic at his home. The FFL will give him the ability to have things FedExed to his house where he can work on them and then send them back to the FFL. Chairperson Drummond asked if anyone would be coming to his house and Mr. Scotto said no one would be coming to his house. If someone needs to meet with him to pick something up or drop something off, he can set up an appointment with the local Police Department to pick it up at their station. It would be logged into his books at that point because the ATF will need to see that. He has spoken with his ATF agent multiple times since Valentine's Day letting him know the status of this application. Chairperson Drummond asked where is the closest service now for people who want this type of service. Mr. Scotto stated you can get a scope put on at Collectors or at other FFL's. Chairperson Drummond verified that this service already exists in Town and Mr. Scotto said yes. Mr. Scotto stated he was told this does not meet the criteria of a home based business. Chairperson Drummond stated this does not meet the criteria of a professional business in a home. Mr. Scotto stated out of 1900 FFL's in New York State, 1200 to 1300 of them, which equals out to 69%, are home based FFLS. He stated that goes to show that an FFL more than meets the requirements of a home based business. Even New York State says it is a home based business. He stated he has spoken with his neighbors and at first they had the same concerns about not wanting a gun store in a residential neighborhood. He stated he agrees with them and does not want that in a neighborhood either. He stated his daughter goes to school here and they like it here and they do not want to move but would consider it if this does not pan out. He stated once he explained to his neighbors exactly what he was doing they no longer have a problem with it.

Chairperson Drummond stated in his application he states he will be doing this work in his shed, which he or his attorney has stated is at least 100 feet from his house. Mr. Scotto stated that would be for the cerakote only. That will not be the majority of the business. The majority of it would be the cleaning, scope mounting, barrels, or custom builds. Chairperson Drummond asked if that was where the chemicals would be used and Mr. Scotto said yes. It also has four large HEPA filters that are connected into the unit. He believes it is 48 by 24 spray booth that has a fan that goes into the HEPA filters and catches everything. It has no more of a chemical imprint than if you were to use a can of spray paint

from the local hardware store. Chairperson Drummond stated that shed is closer to the property line than it belongs. She stated that the shed is also in a floodplain. Mr. Scotto stated that they want to get rid of the shed. They are planning on a new one that will be closer to the house. They have a slab that is already there they were planning on putting a shed onto. Mrs. Scotto stated when they purchased the house they asked FEMA if that was still considered a flood zone and they were told it is not.

Chairperson Drummond stated it is a floodplain. They would be required to have a development permit to be able to do anything in a floodplain. When the area floods, water needs to be able to go through that area. If there are any kind of chemicals in any structures in that area they could potentially get washed into the waterways. Mrs. Scotto stated since they have been living there with two rainstorms, that area does not flood because of the greenhouse that was built behind them. She stated they have been there for six years with multiple flooded areas, but that area never floods. Chairperson Drummond stated this Board is not the one who determines what are the floodplains. Mrs. Scotto stated that the area that does flood is to the left of their house between them and the neighbor where the fence area is. Chairperson Drummond stated floods like that don't happen often thankfully, but when they do the last thing you want is water going through a building that has chemicals on the floor and getting it into the water source. Then it contaminates groundwater. Mr. Scotto stated what if they remove the cerakote aspect of it for right now And get another shed and move it closer to the house. Chairperson Drummond stated the shed has to move either way. It does not meet the zoning requirements. Mrs. Scotto asked how it got approved when they did the closing of the house because it was already there. Chairperson Drummond stated it probably should have come up if a municipal search was done Mr. Rickett stated it does not come up unless they paid for a site visit with the municipal search request. Mr. Scotto stated they had a fence and a patio, and a pool all put in that people came out to look at and nobody ever mentioned the shed. Chairperson Drummond stated she can't speak to that she only has the survey that she is dealing with. Mrs. Scotto stated she believes if you pull up parcel access it shows the shed on it. Chairperson Drummond asked if Mr. Rickett had the application and Mr. Rickett stated there is no application for this as it is just a discussion at this point. This is to get a determination. Chairperson Drummond stated she has an application and she was sure Jackie had shown her something, but Mr. Rickett did not have it. Mrs. Scotto stated that there has been confusion between her home and the two neighbors home as none of the three surveys match they have asked the town many times who do they call because 3 surveyors are giving them three different answers. Attorney Cunningham stated if they wanted to they could bring a proceeding in State Supreme Court about that. They are the ones who determine what the boundary

lines are. Chairperson Drummond stated if it became a title issue and somebody wanted to do something on a piece of property that they think is their property and the neighbor says that it's their property then you would have to go to your title company. Mrs. Scotto stated they contacted their lawyer and went to the title company, and they were told that the survey that was done during the closing of the house was their property line. The neighbors came out and showed them their survey, and they showed property that is supposedly owned by both. Mr. Scotto stated because of that they had their fence moved eight feet closer to his home to be safe. Attorney Cunningham stated there could be a difference in the descriptions on his deed versus what is on the neighbor's deed that could be causing overlap. He stated that as an issue he would recommend they go to the title company about. Chairperson Drummond stated they should go back to their title company because if it is their property they should have use of their property. She asked how long they had been living there and Mrs. Scotto said since March of 2021.

Mr. Ahsan stated that he would need a survey because he will need to know where all of the various things are on the property to move forward with this application. Mr. Scotto stated it will be in his 600 square foot garage. Mr. Ahsan stated the applicant said he was going to use the shed for something and the shed might be in a different location. Mr. Scotto stated if the shed is in a flood zone, he will hold off and not do the cerakote. The FFL7 will allow him to do that in the future if the shed meets the Town's approval as far as where it needs to be. If it doesn't then he can't do that one thing there. Chairperson Drummond stated their consideration of this is really what he is looking to do. They need to know the specific business components that he is looking to do. She asked if this was going to be something he did full time or as a hobby. Mr. Scotto stated he needs to see if it will gain traction. Right now he does have people interested in having him do these things, but it is all contingent on getting the FFL. He has been doing this since he was about 8 years old. Chairperson Drummond asked again if he was looking to do this full time or part time and he stated he is looking to do this full time. Chairperson Drummond asked why should another business doing this who has a shop on Route 82 would consider this good business and not ask why he should not have the same overhead expenses. Mr. Scotto stated this is a niche market. The customizations that he does not a lot of other people do. If you go to Collectors they are going to try to sell you a prebuilt rifle because they don't have the time to do what he does. If they do, the waiting times will be a lot longer than going to him as he will be more one-on-one and he will be focusing on one thing. That will make the turnaround faster. The same thing applies to any kind of

cleanings, scope mountings, triggers, or barrels. He is not going to be selling accessories and any of the parts that he puts on will be premanufactured parts that he will be getting from a dealer.

Chairperson Drummond stated that the applicant mentioned there were 1900 FFL licenses in New York State and there are 62 counties within the State. That makes 300 per county if they are evenly distributed. If there are 300 businesses like this in Dutchess County why do we need this business here as opposed to another opportunity for the people who need this service to go somewhere else. Mr. Scotto stated as far as he knows there is only one person who does this particular work in Fishkill and he does it on the side as well. There is another home based FFL in his county and zoning circle right down the street from him. He does have their FFL number. He is looking to see if the business will gain traction before he leaves his current job at IATSI Local 52 in New York City. He's looking to take his love for what he has been doing on his own and helping friends and turn it into a business. He stated if it gains traction over the next year, which he believes it will, he will look for a brick and mortar building and move it from his home into an actual shop.

Mr. Limitone asked if he currently has an FFL license and Mr. Scotto said he does not. Mr. Limitone asked if the FFL license would not be for the purchase and sale of guns and Mr. Scotto said that was correct. Mr. Limitone verified that it would be for restoration. Mr. Scotto stated it would be for restoration and custom builds. The guns will not be transferred from his home. No one will be coming to his home. He will bring them to Scotty at Collectors, or he will bring them down to Westchester or send them to the FFL of their choosing. That is where they will do their NICS paperwork and take their gun. There will be no inventory at his house except whatever he is working on. Mr. Limitone stated he does know people who have FFL licenses that do not buy or sell guns. They mainly deal with collector items or repairing guns. There is a small niche market for that. An FFL license is not easy to get.

Chairperson Drummond stated the issue is whether this meets the definition of a professional office. Mr. Rickett had sent out a letter stating that it does not. Mr. Scotto stated that in his zoning circle, .8 miles away from his house, is Pro Elite Firearms, FFL #6-14-027-1-35F-02494 and that was approved three years ago by this Town and has been renewed 3 times. He has spoken with the ATF officer and the FFL owner of that over on Harrisons Trail and they did say that they went through a lot of a hassle to get it and they were approved to do online sales only. He spoke to his ATF agent and his ATF agent said that unlike his, they cannot call the Town because they cannot get involved in town politics. The ATF agent

stated he approves home based FFL's all the time and the zoning Board is usually the only issue that they run across. He stated since the applicant is not looking to keep an inventory would he be willing to negotiate or compromise with the zoning board. Mr. Scotto stated that he absolutely would. That is why he agreed to no display cases and no inventory. He is unsure how many people's guns he would have waiting to be cleaned or modified at a single time period he cannot imagine more than three to five that he would have in his possession at any time and they would be logged in and logged out. That would contain the serial number, the address, the permit for a handgun, and owner listed. The ATF will hold him personally responsible for keeping all of the paperwork. Mr. Limitone asked if his FFL would give him the authority to store a firearm, and Mr. Scotto said yes. It would be for handguns or rifles. He stated the FFL7 is for a manufacturer so he can build it and transfer it and he can buy and sell but he is willing to do a compromise and not do any sales or transfers in the home. They will be sent to the FFL of his clients choosing. He will not do any transfers or handoffs in his home. He is willing to meet people at the police station and take copies of their permits, licenses, and all the information for his logbook. When it is done he can meet them back at the police station and transfer it back to them. Chairperson Drummond stated the license will allow him to do that and it becomes the burden of the Town to enforce that.

Chairperson Drummond asked where will he be testing a gun after he is cleaned it or worked on it. She asked if he was firing arms at his house. Mr. Scotto said no. The work will be done in his garage. The shed would just be used for spraying because he does not want those chemical sprays in his garage. The shed would be ventilated for that. He would then bring it to Whortlekill Gun Club. He stated he also has dummy rounds that he can put in to make sure that the shell will extract from the firearm. If he's going to sight in a rifle he will take it to the gun club there or at Blue Mountain.

Mr. Ahsan stated that he has been on this Board for more than six years and has never remembered seeing an application for an FFL. Attorney Cunningham stated that the applicant has also submitted a F.O.I.L. request regarding the property with the other FFL. He stated once they get all of that information together they will obviously share it with the applicant and this Board. Mr. Scotto stated the ATF would never give them that FFL without the approval of the zoning board. It would be illegal and they would be able to sue the ATF agent. Chairperson Drummond asked who it would be renewed with every three years and Mr. Scotto stated that you have to reapply for your FFL every three years. Chairperson Drummond stated the only thing they see every few years is the Mining Permit. Attorney

Cunningham asked if the applicant had done a F.O.I.A request from the federal government. That way he could see what their application actually included. The documents that he has submitted are for a local level, but the F.O.I.A. would be for any documents submitted to the ATF previously. Mr. Scotto stated he submitted an application to the ATF who wanted to come to his house to do an interview 2 days ago. Attorney Cunningham suggested he do a F.O.I.A. request as well. That would show any letters or documents that were submitted from the Town. He stated it should include any documents that are part of that file that would have been part of the approval. Mr. Scotto stated that the owner of that FFL stated it was conditional for online gun sales only as the stipulation for his business. Mr. Scotto stated that that means anything he sells will have to be done online. He cannot do in person sales. Chairperson Drummond asked if he was looking to do online sales and Mr. Scotto said no. He stated he is looking to build custom firearms as well as modify current builds. He wants to be able to clean them and add a scope to them. He will not do the cerakote portion. He re explained how he would do FFL transfers if someone is out of state and wants him to work on their firearm. He also stated that it would require an adult signature by FedEx for receipts. He will work on the firearm in accordance with the laws and regulations of the State that it is going to and then ship it back. If someone wants something custom built from scratch that requires him to have the FFL7 because anytime you put an upper and a lower together you are now the manufacturer of that firearm even though it has pre-existing serial numbers on it. He can go to Collectors and purchase an upper and a lower or even have an upper shipped to his house legally. Once he puts those two pieces together it is considered manufacturing a firearm. Once he does that and calls himself a business, he has to have an FFL. If he's just doing it for himself he does not need the FFL. If he is doing it for someone else for profit he needs the FFL. Chairperson Drummond stated now he is talking about manufacturing. Mr. Rickett stated that all of the prior documentation plus the lawyer's letter does not match with anything else. Chairperson Drummond stated the attorney letter was very confusing. Mr. Scotto stated when he came in here over a year ago he just asked to speak with someone. That is all that he wanted. Instead he was met with being told that the Town attorney would only talk to his attorney, so he went and got an attorney. His attorney contacted the Town attorney for over 8 months without a reply. Then he went to talk to Gina and was told that the town attorney had tried to reach his attorney multiple times and they had not responded. He called his attorney who stated he had everything documented that he had reached out to Attorney Wood over the last year and has only responded twice but not with anything to do with this application. Mr. Scotto feels that he has gotten the runaround, and he does understand that things don't mesh with that letter but every time he has come in

to get something done he has to change his story to try to make it fit to something that they might agree with. He wants to leave a six figure job to start this because this is what he loves to do. Whether he does it in Hopewell Junction or sells his house in the next three months and moves somewhere else where he can do this is totally up to whatever happens tonight or the next month. He would like to stay here because he likes the Town and he grew up close. He can assure the Board that gun violence will not happen under his watch because he had to sit at a trial last week while the man who murdered his aunt and uncle got 40 years to life. He is not trying to do anything malicious in this town but to do something that he is very passionate about. Everything that he has dealt with in the last year between the town, the attorney, everyone not wanting to help and telling him he can't do this when he can drive down the road and look at the ATF FFL website and see that there is one here that has been approved. If Hopewell Junction doesn't approve FFL's they have Collectors and they have other ones that have been here. They may not have done it the right way, but he can guarantee that they have nothing to worry about out of 8 Barrett Drive. He is just a guy who loves doing what he does and he's good at it.

Chairperson Drummond stated from this Board's side of things, it is the same as what he heard in regard to the detached garage. When someone comes in it is not just their current use of the property that needs to be considered. It is any other use and any future owner of this property getting this approval. This might expand and take off and suddenly he is doing all of the things that he was not planning on doing right away. Then what do they do. It also requires an interpretation of this Board to look at what the code allows. If they open the door a crack to let this use in, that includes manufacturing, that potentially could include retail sale, that could include the coating, then the next person who wants to do something slightly different is going to be here saying "you allowed it for this one". That is what this Board has to look at. They have to look at why this circumstances are so different and so unique that it makes sense. They have to see if there are other options that would make sense. She is not sure that they have no other options. The first option in her mind is to go get a local storefront and do something in a commercially zoned space. Not that he wants the overhead but that is why she was asking if this would be a full time business. Right now it sounds like it is a hobby. But the applicant is looking to grow it into a full time business. There is a difference between doing a hobby in your house and doing a real full time business in your house. That is what this board has to look at. The code allows for professional offices. It is very specific about what professional offices are. Mr. Scotto stated he did receive that letter but then he came in to make an amendment to make it an accessory. Chairperson Drummond stated professional offices

include a licensed psychologist, social worker, lawyer, attorney, planner, architect, accountant, teacher or other similar professional person. Mr. Scotto stated there is one homebased FFL in the Town already. Chairperson Drummond stated none of this Board knows anything about that. Mr. Scotto stated he has mentioned it all year long and nobody has gone and looked at it.

Attorney Cunningham stated first he wants to acknowledge his sympathy in regard to the applicant and uncle. He stated that he and Attorney McLoughlin are not Attorney Wood. He does know Attorney Wood to be very professional and he does not know Mr. Romano. He does believe there is a dispute about communication. He is suggesting that the applicant make a Freedom of Information act request to the federal government because he understands the applicant is saying there is another person in town who got the Federal Firearms License. No one in this room has any recollection of that or know anything about it. The federal government will have its own set of documents outside of the town. He did make the Freedom of Information Law request to the Town so he will get those documents once they are compiled. This Board will also get those documents once they are compiled. He does believe the applicant should revise his narrative a bit because he believes they have heard a lot of possible uses of what he could or couldn't do now or later and it would be better if he had a bullet point list of what he does want to do. Mr. Scotto stated he has said it several times but does not believe anyone truly understands the firearm business. He stated he would be doing gunsmithing which is anything to do with cleaning the firearm, modifying the firearm, or anything like that. If they are telling him with the shed that he cannot do cerakote, that is one portion of the business that he will not do. He is not looking to sell guns per se as in a display case. If someone contacts him and wants a custom built gun he can do that and transfer it to their FFL.

Mr. Ahsan stated there is no mention of gunsmithing in the town code. Therefore they need to figure out what they are dealing with at this point. He does not believe he has enough information for this application to move forward at this point. His suggestion is to talk to the applicant's attorney about the F.O.I.A. request and then get his documentation showing where this Town of Hopewell Junction did approve "Abcd" and he wants to do "Abcd". He stated again he has been on this Board for more than six years and has not seen this type application before them. If this had come before them previously, they would already have an interpretation of what gunsmithing would be considered. Mr. Scotto asked why is it on the Town record on that property there is no records found but he can pull up every permit online of what is on his property. There are two businesses out of the other house and there is nothing listed.

Chairperson Drummond stated she did not understand exactly what he is talking about. Mr. Scotto stated there are two businesses running out of the other location he spoke about and when you pull it up on the Town record it says no files found. Chairperson Drummond asked if he was speaking about parcel access, which is a County database, and Mr. Scotto said yes. She stated that is a County website and has nothing to do with the Town. She stated that just proves all the more that this Board did not approve something for that other location. Mr. Rickett stated he believed they were getting off the topic for this application. Chairperson Drummond stated the reason they are looking at the other application that the applicant keeps bringing up is because if they can see the means that that got its approval, assuming it did get local approvals, they can see the means that this Board could move forward without setting a precedent for this application. They would be looking at the pattern that was already established for approval. That is what they would be looking to use because it is much easier to do that as opposed to doing something that has never been done before and opening the door for anybody else. Attorney Cunningham stated that's why he believes it is in the applicant's best interest to move forward with the Freedom of Information Act request to the federal government. The ATF is a federal agency, and he will be able to see whatever documents they have there. It would show even if anyone here had anything to do with it. He does not remember doing anything with it from six years ago. They will fulfill his F.O.I.L. request and get everyone the documents and then they can move forward. Chairperson Drummond stated they are not saying they don't want to consider this. They are looking at all of the different avenues of what they have to consider. If he can show them that one has been approved already, that would show them how, because it is not information that any of them are aware of. The applicant's application to the Board is something that hasn't been done before, so they can't just do it for him. That is not how they work. They have to be really careful about setting a precedent that opens the door for some other nuance of a business that's not allowed, not professional, etcetera. They're not saying they don't want to do this, and they are not saying they don't want to consider it. She just believes they all need more information. Mr. Scotto stated that he wished someone had talked to him during this whole 13 months that he spent trying to meet with someone because he would have come in with exactly what they were looking for. Everything he was told was so completely vague of what was wanted. He does not want a whole display in his house that makes himself a target. He knows that if this moves forward it requires a notice in the newspaper and a sign out in front of his home. Chairperson Drummond stated that sign would only be up for approximately 20 days. Mr. Scotto stated he doesn't mean to appear frustrated, but there hasn't been any real communication or direction or answers to direct him as to what

he can or can't do. He thought if he added the cerakote, it would get him a little bit more business to make up for not doing the firearm sales portion. There are not a lot of places in the area that do that but if he can't do it in the shed he won't do it. Chairperson Drummond stated he needs to show them the survey of the property and show them where the floodplain is. If they want anything in the floodplain they will need a permit. Mr. Scotto stated he is willing to compromise to get this business up and started. He has been in talks with investors and if he does get to a point where he needs a brick and mortar building he will. He is hoping to branch out into EP security in the next year or so and then they would be doing NRA trainings for CCWs. That would require a brick and mortar business and this aspect of it would be moved into that as well. That would also include a range someplace in New York but not necessarily here because there are too many and not enough property. That is his overall goal for the company. Chairperson Drummond stated that does help. There have been other businesses that have started in their garages and grown bigger such as Sparrows Nest.

Chairperson Drummond asked Attorney Cunningham if there was anyone through the county that he could go to get additional information and Attorney Cunningham stated he was not sure. The Freedom of Information Act will get him the federal government information, and that will get him the information from the ATF. Mr. Ahsan stated they should have all of the information as they have to renew the license every three years. He asked Mr. Scotto if he would like to be back on the agenda for next month and Mr. Scotto said he would be back from Miami by then. Mr. Ahsan stated that the Applicant might not have ~~baeked~~ the information within 30 days so ~~to~~ he should check in with the office to let them know if he needs has additional time information. If he does ~~not~~, they will postpone and put him ~~until~~ on the May meeting agenda. Mr. Scotto asked if they are looking for a more concrete description of what he would like to do and not such a broad description. Chairperson Drummond stated it is not up to this Board to tell him what they would approve, it is up to him to tell them what he wants to do. His base inquiry is for this board to make an interpretation of the building inspector's interpretation in his letter. They still have to do their work to determine whether this meets the professional definition of a home based professional business. It would help to see how that other business was approved. Mr. Scotto stated he does believe the letter from his attorney was just a copy of what he sent to his attorney. He did apologize for getting a little worked up. Chairperson Drummond stated that was understandable but also if he would just answer the questions that they ask it would be helpful.

ADJOURNMENT:

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:27 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary