

Town of East Fishkill

ZONING BOARD OF APPEALS

April 28, 2026

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. Sinead McLoughlin, Town Attorney; Matt Rickett, Zoning Administrator; Jackie Keenan, Clerk.

Chairperson Drummond led the meeting with the Pledge of Allegiance.

CHAIRPERSON'S COMMENTS:

Chairperson Drummond stated the next meetings will be in Tuesday, May 26, 2026, and Tuesday, June 23, 2026. Tuesday, May 26, 2026, is Grievance Day at the Town Hall so the meeting will be held at the Community Center on Route 82. She stated there would be no action on items 3 and 4. Both applicants are waiting for additional information that the Board requested and have not be able to provide it yet.

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

Chairperson Drummond went through the procedures for the meeting. First things are the Public Hearings. These applications are 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 may not have had the opportunity to review yet. 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. The public will be

given the opportunity to speak at the appropriate time. Item number seven will be an update to the Board of what is going on with that property.

PUBLIC HEARING:**Public Hearing – 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 194-107 and the Schedule of Bulk Regulations

Linda Castells and Mr. Monsolino were present.

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

Chairperson Drummond stated that they did review this application last month. The applicant purchased this property in 2013. This floating deck was built in 2014. A floating deck just means that it is not attached to another structure. It is not attached to a pool or to the house. It's like a raised patio. It was built about 5 feet off of the property line because that is where the contractor recommended it due to where their septic was. There are trees all around the property. The applicant does believe that the property right next to them is the Wright Farm. The applicant did mention that the property is sloped going down and that is why one side needed a railing, and the other side did not. They said that the deck is approximately 200 feet from the road. It is really not visible from the road. She asked if there was anything else that the applicant thought was important for the Board or the public to know. Ms. Castells said no. Mr. Monsolino stated he could move the gazebo over if he needed to. Chairperson Drummond stated the gazebo is attached to the floating deck and it kind of makes sense to keep it where they will get the most use out of it.

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

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

Roger Wright asked how close this would be to his property line. He is on the north side of this location. He stated this is the second variance this house has applied for. This house was built in approximately 1953. One of his concerns is that everyone wants to get rid of their stuff onto his property. This particular area is no longer being used for farm. His house is approximately half a mile from this location. He was under the impression that this would be new construction. Chairperson Drummond stated that this deck was built 12 years ago and there is nothing new being built. She stated it is 5 feet from the property line. His concern is that there would be something closer in the back on the property line. He wanted to be sure there wouldn't be nothing built alongside of the house. Ms. Castells stated nothing new will be built.

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

Voted and carried unanimously.

APPEAL NUMBER: 4154

APPLICANT: Lynda Castells

NAME OF PROJECT: A 20' sideline Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for an existing 17'x20' (340 s.f.) deck; and a 20' sideline Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 12'x12' (144 s.f.) gazebo (the Variances)

LOCATION: 199 E. Hook Road, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6354-00-797930

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant seeks 20' variances for an existing deck and an existing gazebo that encroach into the required sideline setback; and

WHEREAS, the deck and gazebo have already been constructed on the Property; and

WHEREAS, the Property is constrained by its configuration and existing improvements including an above ground pool, limiting the ability to relocate the structures in compliance with applicable setback requirements; and

WHEREAS, this action is a Type II action under SEQRA and requires no further environmental review; and

WHEREAS, the Legal Notice of the Public Hearing was duly published in Southern Dutchess News on April 22, 2026; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on April 28, 2026; 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 nor create a detriment to nearby properties, as the structures are existing, and consistent with residential accessory structures within the area;

The desired benefit cannot be achieved by other means, as relocation would require removal and reconstruction of the existing structures, and no compliant alternative location exists on the Property due to its configuration and existing improvements, including an above ground pool;

The Variances may be deemed substantial, but such substantiality is mitigated by the limited size of the structures, their placement on the Property, and the absence of any demonstrated adverse impact on adjoining properties;

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

While the need for the Variances may be considered self-created, such factor is not determinative and does not outweigh the other considerations supporting approval;

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request of Lynda Castells for a 20' sideline Variance from the requirements of Section 194-94 of the Town Code and the Schedule of Bulk Regulations for an existing 17'x20' (340 s.f.) deck and a 20' sideline Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 12'x12' (144 s.f.) gazebo.

BE IT FURTHER RESOLVED, that this determination is based upon the specific facts and circumstances of this application and shall not be construed as establishing a precedent for other applications.

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

Resolution Seconded by Zoning Board Member Rocco Limitone

The votes were as follows:

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

PUBLIC HEARING - Appeal 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.

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

Chairperson Drummond stated they did have the opportunity to review this application last month. This “garage” is really a shed, but it has a roll-up door, so it has to be called a garage. It was constructed in the summer of 2022. The house has an existing two bay garage, but this is being used for storage of outdoor furniture and other accessories related to the outdoor use of the home. The applicant survey clearly shows that the neighbor has a garage pretty identical in location on their property. That means this is in the character of the neighborhood for accessory structures like this to be located where they are.

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

APPEAL NUMBER: 4157

APPLICANT: Christine Otero

NAME OF PROJECT: An 11' sideline Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 16'x28' (448 s.f.) detached garage (the "Variance")

LOCATION: 12 Jay Lane, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6457-03-461167

ZONING DISTRICT: R-2

Resolution offered by Zoning Board Member Alberto Otero

WHEREAS, the Applicant seeks an 11' sideline variance from the requirements of Section 194-107 of the Town Code and Schedule of Bulk Regulations for an existing 16'x28' (448 s.f.) detached garage;

WHEREAS, the detached garage is existing and located toward the rear of the Property; and

WHEREAS, the Property is constrained by size, existing improvements, including a pool, and overall layout, limiting the ability to relocate the structure in compliance with the applicable sideline setback requirements; and

WHEREAS, this is a Type II Action under SEQRA and requires no further environmental review; and

WHEREAS, the Legal Notice of the Public Hearing was duly published in the Southern Dutchess News on April 22, 2026; and;

WHEREAS, the Zoning Board of Appeals held a Public Hearing on April 28, 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 nor create a detriment to nearby properties, as the structure is existing, and the detached garage is consistent with residential accessory structures within the area;

The desired result could not be achieved by other means, as relocation would require removal and reconstruction of the existing structure, and due to the Property configuration and existing improvements, including a pool, relocation is impractical;

The Variance is not substantial and relates only to a modest accessory structure;

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

While the alleged difficulty may be considered **self-created**, such factor is not determinative and does not outweigh the other considerations supporting approval;

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request of Christine Otero for a 11' sideline Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 16'x28' (448 s.f.) detached garage.

BE IT FURTHER RESOLVED, that this determination is based upon the specific facts and circumstances of this application and shall not be construed as establishing a precedent for other applications.

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

Resolution Seconded by Zoning Board Member Aziz Ahsan

The votes were as follows:

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

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 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.

No one was present.

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

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 last month they had the first discussion with Mr. Scotto about what he was looking to do. He did bring to the Board's attention that there was another like business operating in Town and that somehow, somewhere, it got approvals. Somebody thinks it got approvals from this Town. Nowhere in the Town records can they find any such approvals. He did provide citations to the Board and Chairperson Drummond went online under the Federal Firearms Licensing and found not just the one that he was talking about, but there is another one as well. He did provide the Board with an e-mail that had those additional businesses listed as well. He stated in his e-mail that they operate under the FFL 1, and he is looking to get the FFL 7. He is looking for a more inclusive license. He is looking to be able to do more activities than what they are limited to. Mr. Scotto stated he is looking to do a different type of FFL. The FFL 7 allows him to the upper and lower, which they cannot do. He does not want to deal in premanufactured firearms, which is what they do. They sell those from the dealer to the client and that's it. They are not able to do what he can do and that is what makes the difference.

Chairperson Drummond stated that what they talked about last time was that a good portion of his property is in the floodplain development area. He had stated that some of the activity that he would be looking to do would be happening in the shed that is in that floodplain development. She did have a discussion with Rick Witt, one of the previous town engineers because he used to issue the permits for the floodplain development and he stated he would not be so much worried about the chemicals that would be happening and them getting into any kind of water body. The concern would be the floodplain development could cause damage to that structure in the event of the flood. That did give her a little more comfort that they are not going to be contaminating the water bodies. Last month the only thing that kind of worried her was that he said he was looking to do certain things and he would like to grow this business. He would eventually like to leave his full time job and do this more full time. On the other hand he also said he would restrict what he would do based on what this Board wanted or didn't want. She wants to consider that because if he is successful because there are only three or possibly 4 businesses like this in town, that the potential he would have of doing all of the eligible activities under the license should be considered. If he is successful and the business grows he is likely to be doing that. The enforcement from the town officials to enforce whether he is allowed to do something or not would be a tremendous burden. She also stated the biggest concerns that he has already addressed was his ability to do resale sales. What he has told them last month was that he was not going to have display cases. In the event he was actually selling a firearm to anybody He would be meeting at the police

station or some other place that likely has cameras to make sure that nothing goes bad with the transaction. She verified that no retail sales would be occurring at his property beyond the paper transaction as opposed to the exchange of those goods. Mr. Scotto stated he believes that all parts of the transaction have to be done at the premises as per the ATF. The transfer wouldn't be for someone who buys it online and has it transferred to him. He will not be doing that. He is partnering with Red Leg Supply in Yorktown Heights. They will handle anybody that wants a stock product, and they will take care of the sale and accessories. He has partnered with REM Arms in Fishkill, and he will do all the cerokoting so no work will be done in the shed. Everything that he is going to be doing will be done in a dedicated side of his garage. He has turned it into an actual workshop over the last two weeks. The only transfers that would take place would be if someone decided they wanted him to build something that would be the only transfer he would do. He has to do the same paperwork and keep the same files forever just like everyone else does. Chairperson Drummond asked if that would be happening at his residence or in a public area. Mr. Scotto stated his residence has to have cameras that record and the storage for them have to be kept for two year period as per New York State law. Every single entrance and exit into his house has a camera and inside where the transactions are taking place is also filmed. Above his computer has cameras that record into his MBR and those have to be kept for at least two years. There is a lot of money that has to be put into this because it does not work off of a regular MBR. It requires a bigger terabyte hard drive. Those things are taking place. If it is somebody who lives in another town it is easier for him to box it up and ship it or drive it to that firearms dealer and they can do the transfer paperwork from him to them. Chairperson Drummond stated she was trying to understand the likelihood of strange cars wandering in and out of the neighborhood every day and onto your property to be doing any type of transactions that way. It sounds like it would be extremely limited if it happens at all. Mr. Scotto said that is correct. Chairperson Drummond stated she wanted to be able to ensure the neighbors that this is not a business that is going to be generating a lot of traffic or visitors to his home. Mr. Scotto stated that the last time the Board expressed concerns about if he were to go to a brick and mortar store in the future. He stated he would always keep the business in his basement because that would allow him to work on something at home as well as in the shop and that would allow him to get it done faster.

Chairperson Drummond stated they have to address the issue that this does not fit the description as an occupation under the Town Code. He is applying under the accessory professional offices. The Zoning

Board of Appeals may grant a special permit for professional offices of a physician, attorney, dentist, engineer, architect, teacher, artist, musician, or other members of a recognized profession or trade in residential districts. Chairperson Drummond stated she is looking for direction from the attorney as Matt Rickett has given a determination that this business did not fit into the professional offices definition and Mr. Scotto has the right to appeal that determination which is what brought him before this Board. She asked the attorney that based on what they have now learned, do they feel that this might meet the classification of a trade. Attorney McLoughlin stated that based on some of the more specific details that Mr. Scotto has included, it would then fall within a gunsmithing sort of trade. It is a very generic term which makes it difficult to quantify. Chairperson Drummond stated she believes that the Board will still need to conduct a Public Hearing to give the opportunity for any member of the public to agree or disagree with the Board's interpretation. Mr. Rickett stated if they tried to define it as a trade the only other part that is mentioned in 194-90 is that retail sales are not authorized. Attorney McLoughlin stated that the number of employees should not be an issue and external evidence should not be an issue. If they find that it is a trade does it pass that section. Chairperson Drummond stated it reads that "this section shall not authorize any form of retail sales as part of a professional office". Mr. Ricketts stated they have to classify it as a professional office to meet this code. Mr. Scotto stated based on the information that he provided, the FFL's that are in Town have online stores. They are reselling also, but not on the extent that he wants to. Chairperson Drummond stated his will be very limited based on what he has described. It is very custom. He will be spending more time putting together the pieces Mr. Scotto stated he would not be doing so much in retail sales. The only reason he set up with a dealer is so that he can get better pricing on his parts. Mr. Limitone stated it is more of gunsmithing. Mr. Scotto said yes, but It is more of a manufacturing portion because of putting the upper and lower together. Mr. Limitone asked if these were firearms that already belonged to someone. Mr. Scotto stated no that would be the gunsmithing portion of it. If somebody wanted to change something. As far as the manufacturing portion of putting together an upper and lower on an AR15 or AR10 onto each other that is the manufacturing. You take stock for an M14, and you put the barrel onto it and now it is considered manufactured. That would be the extent. Chairperson Drummond stated she is deferring to the attorney and to the Zoning Administrator for guidance. The Zoning Board is allowed to grant a special permit, but it does not look like they have the ability to waive the retail sales. Chairperson Drummond stated when an attorney or engineer provides services they are billing for those services that they are providing. Mr. Ricketts stated they walk out with plans. Chairperson Drummond stated they are still getting a

service and getting something deliverable. Mr. Limitone stated the way he interprets retail is more of a brick and mortar building with the display case and someone can come in and browse. Mr. Scotto stated that would be done online. A customer could pick out parts and purchase them and have them shipped to him. No one would be coming into his home and finding a holster that they like. There are not going to be stacks of barrels that someone would pick what they wanted. That would all be done during conversations on the phone or in a zoom call. They will not be coming into his residence to do this. Mr. Limitone stated it is like someone on Etsy making things in their house and shipping them out. Attorney McLoughlin stated that retail sales seemed to be defined as open to the general public to come in and consume and this business does not seem that will be the situation. She stated when you say retail sales the general public should have access which in this situation does not seem that the general public will have any access to the service. Mr. Scotto stated there would be no signage and no walk in traffic. This would be by appointments only. He stated as an FFL he can go to them and take possession of the firearm if need be or they could meet at the police station and he can take possession of it there. When he does a transfer as far as when he builds something that transfer has to be done at his home. Attorney McLoughlin asked if he knew how often that would be. Mr. Scotto stated if it's once or twice a month it would be a lot right now. If it does get bigger he will look for a brick and mortar store at some point. He would still keep the one at his home as well. All the paperwork is done on a tablet and then uploaded to a file. Once their background checks have cleared he is able to give the paperwork over to them. No one can do anything without a permit anyway. Only bolt action and shotguns don't require a permit in New York.

Mr. Ahsan stated there is a difference between the FFL 1 and the FFL 7. There are at least two or three entities under an FFL 1. He asked what prevents them from coming in next month and saying they need an FFL 7 also. They're already in the same business. Chairperson Drummond stated hopefully the Federal Government would say they need some actual approval from the Town, the same as Mr. Scotto does. Mr. Scotto stated they cannot switch it over without permits from the Town. Mr. Ahsan asked if they could work with an FFL 1 without a permit and Mr. Scotto stated no. He stated there is no way of going around and getting it without the Zoning Board knowing. He did try to help this Board out with finding out how those others got approved. The Poughkeepsie Sheriff's Department told him that even if they had the information they could not give it to him because it is sealed. Chairperson Drummond stated to Mr. Scotto's credit he really did do a lot of research for the Board. No one can figure out how

those others are operating. They did not get approved from anybody in Town. They cannot find any documentation to support that. Mr. Scotto stated that in order to get the FFL they have to provide something that says the town approved it. He knows that one of them has been in operation for at least six years, but he is unsure of the others. Mr. Ahsan stated he was on the Board six years ago and he knows it did not come before them. Chairperson Drummond stated several of them currently were on the Board then and it did not go through them. Mr. Ahsan asked about the renewal process as it has to be done every three years. Mr. Scotto stated that is just paperwork for a renewal. It does not have to go back before the Town again. Mr. Rickett asked if he happened to know how long the ATF has been required to get permission from the local government. Mr. Scotto stated it came around in 1968 due to The Gun Safety Act. That is when they required everyone who buys a firearm to go through the FFL. That is when they started requiring Zoning Boards in the towns to approve the FFLs. Mr. Limitone stated the people that had FFL's in the past didn't have to go for any approvals. He does know several people that have them, but not in this Town. Mr. Ahsan stated he believed you had to go for fingerprinting every three years for your renewal. Mr. Scotto stated it is just a renewal form, and you pay the fees, so you don't have to do anything else or go anywhere. The renewal fee for an FFL 1 is \$200 every three years and for an FFL 7 it is \$150.00, You can go to the local Sheriff's Department or State Troopers to get your fingerprints in the beginning.

Chairperson Drummond asked if, based on what they have learned, they are comfortable setting this for a Public Hearing next month. Mr.. Ahsan stated his concern is once they process this application they will have multiple other applicants. He wants to be sure that when they go for the Public Hearing they have covered everything and gotten their legal opinion on this interpretation for a Special Use Permit for a professional office. Chairperson Drummond stated that is part of why they would be conducting a Public Hearing. There may be some angle that they have not even thought of that somebody may bring to their attention.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for May 26, 2026. Voted and carried unanimously.

DISCUSSION – Appeal 4159 – Curtis Winchester (6356-01-430729)

Curtis Winchester, 123 Lomala Lane, Hopewell Junction, requesting 27' front line variance for an existing 20'X18" car port in the front yard, Pursuant to Section 194-107 and the Schedule of Bulk Regulations

Curtis Winchester was present.

Chairperson Drummond stated for the record she does not really know the applicant, but they have seen each other as she is a substitute bowler on the league next to his bowling league. There is no financial or any other type of connection at all.

Chairperson Drummond stated this is the first time they are seeing this application. She asked why this needs to be a metal structure as opposed to a garage.

Mr. Winchester stated they purchased the house in 2021 and it did not have a garage or anything covering the driveway. Between the snow and the sun beating down on vehicles in the summer, they wanted to put up a carport to protect their vehicles. They purchased one online and put it up not realizing it needed a permit.

Chairperson Drummond asked if there was any screening in the front of the house. The issue with the metal carports is that you can see them and they are not necessarily the most attractive thing to look at. One of the things that they ask people when they are putting in garages or structures is if they can screen it to make it look nicer. She asked if she was driving by Lomala Lane would she be able to see it. Mr. Winchester said yes. Chairperson Drummond stated it is only 22 feet from the road on the edge of their property. She asked if there was any landscaping in the front. Mr. Winchester stated there is a tree that will block some of the view from one direction. From the other direction there is not a lot of screening until you get over the hill and level with the property. It doesn't stick out front. Chairperson Drummond asked if they have the ability to put shrubs on the side of it to limit the visible metal part of it. Mr. Winchester said they did. Chairperson Drummond stated they did recently approve a metal carport and the reason for it was cost. It is on Lake Walton Road and if you were looking for it and you know that it's there, you can see it. They did speak with the applicant about putting in some screening. Mrs. Winchester stated they could put some shrubs around it. Mr. Limitone stated he did drive by it today and it is not obtrusive. It kind of blends in. It is right abutted to the house. Chairperson Drummond stated it

does block their pool, which is nice. It gives them more privacy using their pool. She asked if they had spoken to the neighbors about this yet. Mr. Winchester stated nobody has ever complained or said anything about it. Chairperson Drummond asked what brought them to the Board and Mr. Ricketts stated the pool. He's getting permits for both and getting everything all cleaned up on the site. Chairperson Drummond stated the code does not prohibit metal structures. These are more permanent than the canvas structures that people can put up for six months at a time. Mrs. Winchester stated this is definitely a more affordable option versus \$50,000 for a garage.

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

Mr. Ahsan stated the map shows an underground cellar on the property border. Mr. Winchester stated it belongs to his neighbor. It was there when they purchased the property. They will have to ask the neighbor about it. Chairperson Drummond asked how they address the neighbor having a structure that is under their property. Mr. Rickett stated it shouldn't encroach on the applicants property. At some point in the future it could be a problem if the neighbor or he tries to sell. Chairperson Drummond stated the cellar door appears to be more on the applicants property than the neighbor's property. Mr. Ahsan stated this seems to be between him and his neighbor at this point.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for May 26, 2026. Voted and carried unanimously.

DISCUSSION – Appeal 4080 – Timothy Williams (6457-01-255843)

Timothy Williams, 535 Route 376, Hopewell Junction, requesting a 2' side line variance and a 20' rear line variance for a proposed 24'x16' (384 sf) 1st floor and (336 sf) 2nd floor total (720 sf) 2 story detached garage, a 11' side line variance for the existing dwelling, a 25' front line variance for an existing front covered porch, and a 6% lot coverage variance pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance. (Please see resolution approved at the October 24, 2023 meeting)

Timothy Williams was present.

Chairperson Drummond stated the issue is when this Board approved the garage one of the issues that was raised during the Public Hearing was a neighbor complaining about how long it took the applicant to complete the siding that he was doing on his house. She stated they took that into consideration as they considered their approval so they put a caveat in his resolution that if the detached garage does not obtain a certificate of completion for the proposed detached garage within nine months of the date of this decision and order, the applicant shall be required to appear here before the Zoning Board at its next available meeting. The date of this resolution was October 24th, 2023. It has been 2 1/2 years. Mr. Williams stated it took him a year to get the Building Permit to build it. Chairperson Drummond asked when he applied for the Building Permit. Mr. Williams stated he had to get a Demolition Permit first and tear down the first garage. Due to the age of the building, he had to get a specialty demolition company to come in because it could have had lead and asbestos. That took a longer amount of time. Then he had to have his site plan review and have his silt fence inspection. Then he got his surveyor out there to stake the corners and then he got the foundation dug out. He didn't get his Building Permit until September 5th, 2024. That was already a year beyond the resolution. He was dealing with the Building Inspector, and the Building Inspector told him to keep going. He got to 2025 and renewed his permits for the six months that it is allowed. He lost 4 1/2 months of that to snow. The holes are there and the deck was going to be supported. The handrails were going to go on. He came back from vacation, and the snow was still in his driveway and yard. The metal roof dumped 3 feet of snow right where the footings are and it stayed there for the whole winter. He also had some personal issues along the way that he would be more than willing to discuss off camera. Chairperson Drummond stated that is not what she is looking for. The neighbor was extremely concerned about how long things take. This property is quite visible. She was walking on the rail trail one evening and happened to see a lamp in the window of the second floor. That's interesting because the stairs don't even have a railing on them yet. She questioned why there would be a lamp on in the evening upstairs. The upstairs is 336 square feet. She cannot imagine someone is living up there but there was a lamp that was clearly sitting on something and the lamp was on at 7:00 in the evening. It raised a red flag. Mr. Williams stated it is on an extension cord with a timer, and it was a gift from his son-in-law. It is the Christmas story leg lamp. The timer goes on at 5:00 PM and goes off at midnight. Nobody is up there. If you look up the driveway, all you see is a leg lamp in the two windows. It was an homage to the gift and that's what it was purchased for.

Chairperson Drummond stated this Board did not approve exterior stairs. Somehow the garage now has exterior stairs. Mr. Williams stated there was a plan revision. He and Rob discussed it and Rob approved it. He was told as long as he did an as built or an addition it would be OK. He went back to his architect and had a few things redone and submitted those plans and got them re-stamped, so they are on record. He has had footing inspections, block inspections, and preliminary framing inspections. Chairperson Drummond asked if he was beyond preliminary framing at this point. Mr. Williams said no. He discussed something he wanted to do with his architect and his architect put it on the plans. If he had put the stairs on the inside there wouldn't be room to fit a car in there because it would have taken up 3 to 4 feet of a 16 foot wide garage. He didn't have the room to make it any wider because he doesn't have any yard left as it is. They framed it with the stairs on the outside and a door and he had the plans reviewed and that's where they are at. The railing would have been on and the footings would have been inspected had there not been so much snow. Chairperson Drummond stated at this point he has an expired Building Permit. Mr. Williams stated he was away when it expired. Chairperson Drummond stated at this point the building department will only issue a 90 day permit. Mr. Rickett stated that is all they are allowed to do. Chairperson Drummond asked if he could complete the work within 90 days. Mr. Williams said no because he has to dig a trench from the house to get the electric in. Then he has to have it wired and sheet rocked and painted and get a CO. Part of his CO is the catchment system in the driveway. He stated they are collecting the rainwater and having it go to a dry well. The catchment system is on backorder. He may have to change it or see if they have something in stock. He has to be able to get 6 cars out of that driveway, and he has to tear it up to get that put in. That was going to be the last thing. He does have the leader drains in and down. It is collecting the rain from his house and from the new structure into a 1700 gallon holding tank to be reclaimed and the overflow goes into a 600 gallon dry well. There will be no drainage onto the street. Chairperson Drummond asked him realistically how much more time does he think he needs. Mr. Williams stated he is hoping to get it in by the end of the summer.

Mr. Rickett asked what was left on the siding. Mr. Williams stated the siding is done. Chairperson Drummond stated it is done and it looks very nice. Mr. Williams stated Rob already has it in the portal. As soon as he pays for it, it can be inspected and that permit can get closed. Mr. Rickett stated that will help the neighbor knowing that at least the siding project got finished. Chairperson Drummond stated it is an issue that was raised here and brought to this Board's attention so in good faith they are trying to make it work for them. Neighbors objections could be a reason to not approve this. He did get the

approval, and it just made sense to have him come back in to let them know what is going on.

Chairperson Drummond stated if he can only get 90 days that only gets him through July. He will need August and September probably. Mr. Rickett stated he believes it would be a whole new permit after the 90 day renewal. You are only allowed two six months and then a 90 day, but they have to be concurrent without a gap in time. He will need to get answers from the administrator of the department. He doesn't know exactly what leeway she might have. Mr. Williams stated at this point he can't go forward. He can't put the handrails, the footers or the supports on the deck because he is in violation. Chairperson Drummond stated the structure is not safe without the handrails on the stairs. They are very steep. Mr. Williams stated no one goes up there. He stated he could have the deck done within three months. It is the stormwater management system that would not be completed. That's another \$10,000 worth of materials shipped up from Georgia. Mr. Mahony asked if that could be done on a separate permit. Mr. Williams stated it was his idea to put the catchment in because he wanted to reclaim the water. If he had just put in a dry well it would be done. If he could go back and revise it and take that piece out he would be done but he really wants that. Mr. Rickett asked if he could have the trench for the electric done in the 90 days. Mr. Williams stated the guy was coming that weekend to do the trench, but it snowed so they had to put him off. Mr. Rickett stated he will go through this over the next few days. Rob has been out of the office, but he should be back and they will review it together. Chairperson Drummond asked if they need to have Mr. Williams come back again and Mr. Rickett said no he could reach out after he gets answers.

Chairperson Drummond stated she believes the Board has gotten the update that they needed. She asked if anyone else had any questions for Mr. Williams. Mr. Williams stated the shell and the building itself is not changing anymore. It is complete. It is painted and the roof is on it except for the handrail on the stairs. Mr. Williams stated that is \$3000 worth of materials sitting at Williams Lumber. Chairperson Drummond stated it does look nice. Mr. Rickett stated he will see if they can separate finishing the garage from the underground work. Chairperson Drummond stated if it is not done by October they will need another update.

Mr. Ahsan asked if it would be completely done in three months. Mr. Williams stated he can't say because he doesn't know how long it will take to get the catchment system. Chairperson Drummond stated that is beyond his control. Mr. Williams stated he would gladly put in a dry well, but they are telling him that it is too hard to cut the SDR and try to put this tank and drainage for the leaders in later.

It is a big tank. He stated he would keep communicating but he was under the impression that as long as he kept moving forward making progress and making it pretty he was fine. Mr. Rickett stated Rob was not aware of the nine month time frame.

ADJOURNMENT:

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 8:14 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary