

Town of East Fishkill

ZONING BOARD OF APPEALS

May 26, 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. Sinead McLoughlin, 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 on Tuesday, June 23, 2026, and Tuesday, July 28, 2026. For tonight's agenda there will be no actions on items 3 and 4. Next month's meeting will be back at the Town Hall.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held April 28, 2026 as amended. Voted and carried unanimously.

Chairperson Drummond went through the procedures for the meeting. First are two Public Hearings. These applications are things 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 is a discussion. This is an application 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 4158 – Christopher Scotto (6556-01-165625)**

Christopher Scotto, 9 Barrett Dr., Hopewell Junction, requesting a Special Use Permit for a professional in-home office, Pursuant to Section 194-90.

Christopher Scotto was present.

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

Chairperson Drummond stated they have had the opportunity to meet with Mr. Scotto a few times to understand about this business and about the Federal Firearms License level 7 that he is looking to pursue. They have discussed the fact that there are a couple of other businesses in East Fishkill with similar, but not quite the same level of Federal Firearms License but level one. They had a discussion during the last meeting about what retail really means. He is looking to create special firearms, taking a piece from one and attaching it to a piece of another, which no one else can do unless they have this specific federal license. He is not going to be having anyone come to his home unless it is by appointment. He is not wholesale manufacturing anything at his home. He will not have any kind of showcases for retail sales. Anything he does is going to be properly looked at. Any chemicals that he is going to use will be properly used. They did discuss that, in the future, he might do cerakoting, which would use the chemicals.

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.

Peter Meleshkewich from Hosner Mt. Road asked if Mr. Scotto had his FFL yet. Chairperson Drummond said no. He stated according to New York State law, Mr. Scotto is required to have a store to

sell these items. Mr. Meleshkewich stated his autistic grandson will be moving in with them and he is concerned about additional traffic. The child wanders all over. His home faces the applicant's home. Chairperson Drummond stated they did have a similar discussion with the applicant about this. He will do online sales so someone can interact with him online. He is not going to have anybody coming to his house. He is not going to have a display there. He will have an online store, per se, but no employees will be there. No cars will be coming in related to the use of this Federal Firearms License. She stated that was also one of the Board's concerns. They were concerned about the opportunity for the wrong type of people to stop by. Mr. Meleshkewich asked if the applicant's zoning for his home was going to be changed to commercial and Chairperson Drummond said no. There is no retail operation from this location. He is looking for a business, but no retail operations. Mr. Ahsan stated the firearms are going to be secured in a cabinet. The only time they will be out is when he is working on them. He will get UPS and FedEx delivery for parts. Any exchanges that do take place with receipt of a full firearm will be done at the East Fishkill Police Department. They did discuss all of these issues. There will be no sign on the property, no foot traffic, and no additional traffic unless it is by appointment only. Chairperson Drummond stated this is just one step in the applicant's process. Mr. Limitone stated the applicant can do nothing until he gets the FL7.

Chairperson Drummond asked if there were any other members of the public to speak for or against this application. There were none.

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

APPEAL NUMBER: 4158

APPLICANT: Christopher Scotto "Dynamic Defensive Solutions"

NAME OF PROJECT: (i) Request for an interpretation of Section 194-90 of the Town Code for Accessory Professional Offices; and (ii) a Special Use Permit pursuant to Section 194-90 of the Town Code for a firearms business

LOCATION: 9 Barrett Dr., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6556-01-165625

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member : Aziz Ahsan

WHEREAS, Christopher Scotto (or the “Applicant”), residing at 9 Barrett Drive, Hopewell Junction (6556-01-165625) in the Town of East Fishkill, designated as Appeal No. 4158 applied for a Special Use Permit pursuant to Section 194-90 to permit the operation of a professional in-home office/business known as “Dynamic Defensive Solutions”; and

WHEREAS, the Applicant proposes to operate a federally licensed firearms business utilizing a Federal Firearms License Type 7 (“FFL-7”), which permits firearm manufacturing, gunsmithing, firearm transfers, and related custom firearm assembly activities; and

WHEREAS, the Applicant represented to the Board that the proposed use shall consist primarily of custom firearm assembly utilizing pre-manufactured components, firearm cleaning and gunsmithing services, firearm transfers, and dealer-to-dealer shipping and receiving activities; and

WHEREAS, the Applicant further represented that:

1. No retail showroom shall exist on the premises;
2. No inventory of pre-manufactured firearms shall be maintained for public sale;
3. No exterior signage shall be installed;
4. No walk-in traffic shall be permitted;
5. All customer interactions shall occur strictly by appointment only;
6. No waiting room shall be maintained on-site;
7. All firearms and related parts shall be stored in dedicated fireproof safes while not actively being worked on;
8. Any firearm testing shall occur off-site at legally authorized firing ranges; and
9. The use shall remain incidental and subordinate to the residential use of the premises.

WHEREAS, Section 194-90 of the Town Code permits the Zoning Board of Appeals to authorize certain professional in-home office uses by Special Use Permit where the Board determines that the proposed use is consistent with the character of the neighborhood and will not adversely impact surrounding properties; and

WHEREAS, the Board has reviewed the application materials, heard testimony from the Applicant, held a public hearing, and considered the nature and scope of the proposed use; and

WHEREAS, this action constitutes a Type II Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, requiring no further environmental review; and

WHEREAS, the Legal Notice of Public Hearing was duly published in the Southern Dutchess News on May 20th 2026; and

WHEREAS, the Board finds that the proposed use constitutes a professional in-home office/business within the intent and purpose of Section 194-90 in that:

1. The proposed use will generate minimal traffic due to its appointment-only nature;
2. No retail sales activity or public showroom is proposed;
3. No exterior evidence of the business operation will be visible from the property;
4. The proposed use will not materially alter the residential character of the neighborhood;
5. The use is limited in scope and intensity and is incidental to the residential occupancy of the premises; and
6. Appropriate safeguards have been proposed regarding storage and security.

WHEREAS, the Board further interprets Section 194-90 to permit the proposed operation as a qualifying professional in-home office use, notwithstanding the specialized nature of the federal firearms licensing associated with

the business, based upon the limited operational characteristics and restrictions voluntarily imposed by the Applicant; and

WHEREAS, the Board has determined that granting the requested Special Use Permit, subject to appropriate conditions, is consistent with the purposes of the Town Zoning Code and the protection of the public health, safety, and welfare;

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby interprets Section 194-90 of the Town Code to permit the proposed use under the facts and representations presented by the Applicant; and be it further

RESOLVED, that the application of Christopher Scotto for a Special Use Permit for a professional in-home office/business known as “Dynamic Defensive Solutions” is hereby APPROVED, subject to the following conditions:

1. The use shall operate substantially in accordance with the application and representations made to the Board.
2. No retail showroom or public retail sales operation shall be conducted on the premises.
3. All customer visits shall be by appointment only.
4. No exterior signage shall be permitted.
5. No outdoor storage associated with the business shall be permitted.
6. All firearms and regulated components shall be securely stored in fireproof safes when not actively being serviced.
7. No firearm discharge or testing shall occur on the premises.
8. Any expansion or material change in the nature or intensity of the use shall require further review and approval by the Board.
9. The Applicant shall maintain all required federal, state, and local licenses and permits associated with the operation.
10. The approval shall remain subject to compliance with all applicable provisions of the Town Code and all applicable federal and New York State laws and regulations.

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 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 and Lotte Winchester were present.

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

Chairperson Drummond stated they have reviewed this application last month. This is something that the applicant had put up by themselves a few years ago. They have no garage on the property. This is detached from their home and it is metal. It is not a canvas structure that is temporary. It does have open sides and the applicant did say that there was vegetation or a tree on one side that blocks it a little bit, but the other side is really open. They are willing to put shrubs or something around it to be able to close the bottom part from view. The Board just wants to be appropriately attentive to the neighbor's concerns, if there are any, about what it's going to look like and how it is maintained.

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

Mr. Ahsan asked if there was any resolution on the underground cellar that is on their property. Mrs. Winchester stated they have not even had a chance to look into it. Attorney McLoughlin stated that really does not have any impact on this resolution. Mr. Ahsan stated it should be resolved at some point, especially if someone tries to sell the property. Mrs. Winchester stated it did not come up when they purchased the property.

Mr. Limitone stated he did a drive by and it is not obtrusive from the roadway.

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: 4159

APPLICANT: Curtis Winchester

NAME OF PROJECT: A 27' front line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 20'x18' car port (the Variance)

LOCATION: 123 Lomala Lane, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6356-01-430729

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member : Alberto Paratore

WHEREAS, the "Applicant" seeks a 27' front line variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing approximately 20' x 18' carport located within the required front yard setback area; and

WHEREAS, the subject property is located at 123 Lomala Lane, Hopewell Junction, New York, designated on the Town of East Fishkill Tax Map as Parcel No. 6356-01-430729 (the "Property"); and

WHEREAS, the carport is an existing accessory structure that has already been constructed on the Property; and

WHEREAS, the Zoning Board of Appeals has determined that additional vegetative screening should be installed in order to lessen the visual impact of the structure from adjoining properties and the roadway; and

WHEREAS, this action constitutes a Type II Action pursuant to the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations, requiring no further environmental review; and

WHEREAS, the Legal Notice of Public Hearing was duly published in in Southern Dutchess News on May 20th 2026; and

WHEREAS, the Zoning Board of Appeals conducted a duly noticed Public Hearing on May 26, 2026, at which time all interested parties were provided an opportunity to be heard; and

WHEREAS, the Zoning Board of Appeals finds as follows:

- The granting of the variance will not produce an undesirable change in the character of the neighborhood nor create a detriment to nearby properties, particularly with the addition of appropriate vegetative screening;
- The benefit sought by the Applicant cannot be achieved by another feasible method without substantial removal or reconstruction of the existing structure;
- While the requested variance may be considered substantial, such substantiality is mitigated by the existing nature of the structure and the implementation of landscaping measures;
- The granting of the variance will not have an adverse effect or impact upon the physical or environmental conditions in the neighborhood or district; and
- Although the need for the variance may be considered self-created, such factor is not determinative and does not outweigh the other considerations supporting approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the application of Curtis Winchester for a 27' front line variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing approximately 20' x 18' carport, subject to the following condition:

1. The Applicant shall install and maintain vegetative screening at the base of the structure or along the affected frontage and/or property line area, subject to review and approval by the Town Building Inspector or other designated Town official, in order to provide reasonable visual buffering of the structure.

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 provided 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

DISCUSSIONS:

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

LEM Elite Reality, Inc., 551-555 Hosner Mountain Rd., Stormville, requesting a Special Use Permit and requiring a site plan, Pursuant to Section 194-132. (No action - need updated plan and Lead Agency circulation).

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 action - applicant needs more time to get survey).

Discussion Appeal 4160– Frank Zambandino (6459-20-816244)

Frank Zambandino, 12 Dogwood Lane, Wappingers Falls, requesting a 13' rear line variance for an existing 8'x16' (128sf) gazebo/firewood shed, a 13' rear line variance for an existing 16'X12' (192sf) shed and a 10' sideline variance for an existing above ground pool. Pursuant to the Schedule of Bulk Regulations.

Frank Zambandino was present.

Mr. Zambandino stated this is an existing 21-foot round, above ground pool. Chairperson Drummond asked when it was installed and Mr. Zambandino stated in 1996. Chairperson Drummond asked if the code had changed since 1996 and Clerk Keenan said no. Mr. Zambandino stated that he built the 12 foot by 12 foot shed and did not think it needed a permit. Chairperson Drummond stated it is in the wrong place. Mr. Zambandino stated it has an overhanging roof, so that is the measurement that he had to use. He stated that the fire wood storage shed is not ugly. Chairperson Drummond stated that no one is saying that it is. The question is why they both are in the locations that they are in. They are so close to the neighbor's property. She asked if there is something that blocks the neighbor's view of these, or if the neighbor has no objections to these things. Mr. Zambandino stated there is an easement between their properties. He assumed that the easement was far enough of a distance between the properties that he didn't have to worry. Chairperson Drummond asked who had the easement and he said Johnson. Chairperson Drummond asked if it was an easement or his property line. Mr. Zambandino stated that somebody purchased the easement. He is not sure if it's on the map. It is actually like a roadway. Chairperson Drummond stated his survey does not go beyond the property line. Mr. Rickett stated the easement is back by the shed and the firewood storage. Chairperson Drummond asked if it was a roadway to something. Mr. Zambandino stated it goes to the property in the back to allow access. Chairperson Drummond asked if there was any vegetation there that blocks the view. Mr. Zambandino stated there are bushes and shrubs on the neighbor's property. Chairperson Drummond asked what kind of bases these structures have. She asked if they had footings or if they were movable or are they

anchored where they are. Mr. Zambandino stated they are not anchored but he would have to take them apart to put them someplace else. Chairperson Drummond asked when these were built and he stated in 2022. Chairperson Drummond asked what they looked like. Mr. Zambandino stated the shed is texture 111 and it matches the house. The other one is natural colored. Chairperson Drummond asked if his neighbor has ever made any comments about any of these structures and Mr. Zambandino said no. Both of the original owners have passed recently, so he believes the daughter owns the property now. She has not said anything.

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

Mr. Ahsan asked about the chain link fence that goes onto the neighbor's property. Mr. Zambandino stated the fence has been there since 1964. He did not install it. The properties in that area are not squared. Chairperson Drummond stated it looks like it shifts onto the neighbor's property, but it has been there so long and nobody has complained about it. She stated it is .9 of a foot onto the other property line. At that point it is just considered the neighbor's fence.

Chairperson Drummond asked if the Roddy family had ever voiced any concerns about the pool and Mr. Zambandino said no.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for June 23, 2026. Voted and carried unanimously.

ADJOURNMENT:

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 7:35 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary