

Town of East Fishkill

ZONING BOARD OF APPEALS

June 23, 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 (arrived at 7:03), Norma Drummond, Sinead McLoughlin, Attorney; Matt Rickett, Zoning Administrator; and 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, July 28, 2026, and Tuesday, August 25, 2026. For tonight's agenda there will be no actions on items 2 and 3. There will be a very brief discussion on each one of them but no actions. She apologized for the change of the meeting location. It was due to today being Primary Day and the Town Hall was being used for that. Next month's meeting will be back at the Town Hall. Chairperson Drummond stated tonight's meeting would not be live because of the last minute connection and move to this location.

MOTION made by Aziz Ahsan, seconded by Art Mahony, to approve the minutes of the meeting held May 26, 2026. Voted and carried unanimously.

Chairperson Drummond went through the procedures for the meeting. First is a Public Hearing. This is an application the Board has already reviewed. Neighbors are then noticed and have the opportunity to tell the Board anything they may not be aware of. They know the property better than the Board may. Next are 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 discussion items this evening. They will be given the opportunity to speak at the appropriate time.

PUBLIC HEARING:**Public Hearing 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.

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

Chairperson Drummond stated the 21 foot round pool was installed in 1996. There is an 8 foot by 16 foot gazebo and firewood shed. A portion of it is being used as a gazebo and the other side is a lean-to that they are using for firewood. The second shed is 12 feet by 12 feet and the applicant did not think that he needed a permit for it, which realistically, they didn't as it is their first shed. The issue is that it is too close to the property line. He did mention something about an easement running along the property. She does believe that could be what caused confusion as to why he thought they would not be so close to the property line. She asked if there was a house or something behind that has that access. Mr. Zambandino stated it is just property. Chairperson Drummond stated they have been told that one shed is Texture 111, which matches the house and the other is natural colored. Neither of these should be very visible. He did mention that there were bushes and shrubs on the neighbor's property that kind of shields it from view, so there is natural vegetation Mr. Zambandino stated he did have pictures and he showed them to the Board. Chairperson Drummond stated the photos do show a lot of vegetation and screening. There is also some change in the grade that would make it difficult to locate elsewhere, as well as the

septic being located on the left side behind the pool. That was the reason the shed was put in the location it was.

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: 4160

APPLICANT: Frank Zambardino

NAME OF PROJECT: i) a 13' rear line variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 8'x16' (128 s.f.) gazebo/firewood shed; (ii) a 13' rear line variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 16'x12' (192 s.f.) shed; (iii) a 10' sideline variance from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations for an existing above ground pool (the "Variances")

LOCATION: 12 Dogwood Lane, Wappingers Falls (the "Property")

TAX MAP NUMBER: 6459-20-816224

ZONING DISTRICT: R-1/3

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant seeks variances for an existing gazebo/firewood shed; an existing shed that encroach into the required rear line setback; and an existing above-ground swimming pool that encroaches into the required sideline setback; and

WHEREAS, the Property is located in an R-1/3 Zone, leaving little room at the Property for residential amenities; and

WHEREAS, the house was built prior to the Zoning Code being enacted; and

WHEREAS, the Applicant is working to legalize all existing structures on the Property; and

WHEREAS, the gazebo/firewood shed and other shed are pre-existing accessory structures on the Property; and the above ground pool is pre-existing;

WHEREAS, the Property is constrained by its configuration 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 Poughkeepsie Journal on June 19th 2026; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on June 23, 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,

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 the size of the lot and existing improvements, including the above ground pool;

While the Variances may be deemed substantial, 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 Frank Zambardino for (i) a 13' rear line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 8'x16' (128 s.f.) gazebo/firewood shed; (ii) a 13' rear line Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for an existing 16'x12' (192 s.f.) shed; (iii) a 10' sideline Variance from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations for an existing above ground pool.

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

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).

Chairperson Drummond stated they first saw this application in February and had a discussion in March. The applicant had a medical issue and they have not heard from him since. If they do not hear from him by next month this application will be considered abandoned and they will take the appropriate action. Clerk Keenan has called this applicant prior to tonight's meeting and she can call them again based on tonight's discussion.

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).

Chairperson Drummond stated they were waiting for a survey for this application which they still have not received. She stated if he is not present at next month's meeting they should act at that time to take a vote to have that application considered abandoned. Clerk Keenan has called this applicant prior to tonight's meeting and she can call them again based on tonight's discussion.

Discussion - Appeal 4161– Edward Portillo (6357-02-550916)

Edward Portillo, 118 Lake Walton Road, Hopewell Junction, requesting a 12' side line variance for a proposed 12'x14' (168sf) gazebo. Pursuant to the Schedule of Bulk Regulations.

Edward Portillo was present.

Mr. Portillo stated he wanted to put a gazebo on an existing cement slab. It is right by the pool area. Originally when he purchased the house before the closing there was a structure there on a cement pad. When they purchased the house the bar area that was there was gone. They had found out that it did not have a permit. The slab is still there. They would just like to put a gazebo on top of that pad. Chairperson Drummond asked if it was just for sitting use and if it was connected to the pool. Mr. Portillo stated it is right in the pool area. She asked if the applicant knows why it was put there and not a little off to the side to not need the variance. Mr. Portillo said no. It was existing when he purchased the house. Chairperson Drummond stated it does make sense to use the existing pad. She asked if the applicant knew where the septic was. Mr. Portillo stated it is off to the side.

Mr. Ahsan stated there is a box showing on the plan that is to the corner of the pool and the little concrete apron. He asked if the applicant knew what that was. Mr. Portillo stated it is just another small concrete slab. He does not know what it was used for. Mr. Ricketts stated that is where the pool filter is.

Chairperson Drummond stated there is a post and rail fence that is showing going off onto the neighbor's property. She asked whose fence it was. Mr. Portillo stated it is his. He thought it was on the property line. Chairperson Drummond asked if he installed it and Mr. Portillo said no it was already there. When they did the survey he realized it is on the neighbor's property. It ends right there. He is going to move it at some point. He stated part of the neighbor's driveway is on his property as well. He stated he is not going to make the neighbor tear up his driveway.

Chairperson Drummond asked if there was any vegetation. Mr. Portillo said no, there is not. At least 10 feet in front of that there are some trees. He is not able to see the neighbors deck.

Chairperson Drummond asked if he has spoken to his neighbor. Mr. Portillo said yes. He stated he is not bothered by it.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan stated close to the deck there is an area labeled stone. He asked what that was. It is within 15 feet of the property line. Mr. Portillo stated it is a fire pit and just small gravel stones. Mr. Rickett had photos he provided to the Board.

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

Discussion - Appeal 4162– Lydia Elswick (6458-01-360553)

Lydia Elswick, 17 Clove Branch Rd, Hopewell Junction, requesting a size variance for a proposed 32'X40' (1,180sf) detached garage, Pursuant to Section 194-107 and the Schedule of Bulk Regulations. Footprint of existing house is 1,283sf.

Garritt Legitt and Craig Elswick were present.

Chairperson Drummond stated this appears to be a one bay garage with a big room. She asked what the purpose of the big room was. Mr. Legitt stated the applicant is a contractor by trade. He needs a little room for storage for his tools. It is mostly for his truck as well. Chairperson Drummond asked if this was for business use and Mr. Legitt stated no. This is for his truck parking. There will also be pool equipment stored inside of it. There is also a spot where they can have a changing room for the pool. It is not business storage. He will park a vehicle in there that is why it is a garage with one bay. There will also be a lawnmower inside. Chairperson Drummond asked if he has a garage already. Mr. Limitone stated there is a two bay garage on the house. Mr. Elswick stated that one side of the garage is covered with cabinets for storage so there is only room for one car and no extra space. There is no additional room once you pull the car in there. His truck is too tall to fit into it.

Chairperson Drummond stated she walks past this home all the time and any work being done is done very discreetly. The way that the front is finished is very nice and everything has been done very nicely. Mr. Elswick stated he does have a lot of tools but he likes to follow all of the rules. He does not work out of his home.

Chairperson Drummond asked if there was going to be plumbing in this room. Mr. Elswick said no. There will just be pool plumbing. Chairperson Drummond verified that there would be no bathroom and Mr. Legitt said no. She asked if there would be heat in the room and Mr. Elswick stated he does plan on having a salamander heater for the winter time. Chairperson Drummond stated it is a big room and they do not want to see the potential for it to be converted to an apartment. Mr. Elswick stated there is no intent for that. Mr. Legitt stated there would be an additional garage door on the other side of it so it would have access for his lawn mower and outside equipment. The shed that he has might be taken down if there is room for everything he needs to store in here. Chairperson Drummond stated there is a brown shed there that does match and is in the right spot. Mr. Legitt stated it does not fit the equipment that he has so he needs a little bit more room.

Chairperson Drummond asked what the finish of this structure was going to be. Mr. Elswick stated it will be typical of the rest of the home. He stated they will soon be upgrading the house as well.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Ahsan asked if there was going to be electricity and Mr. Legitt stated yes. The garage doors will require that.

Mr. Rickett asked if one of the sheds would be taken down and Mr. Elswick stated the one in the front would be coming down. The one in the back may be taken down if they can fit everything into the new garage.

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

Discussion - Appeal 4163 – William Verlin (6455-00-891025)

William Verlin, 29 Wonderland Dr., Hopewell Junction, requesting a Special Permit in order to bring in 2,437 additional cubic yards of fill, pursuant to Section 194-75 of the Zoning Ordinance.

Brian Stokosa was present.

Chairperson Drummond stated this is a contractor building a house. Mr. Stokosa stated this is a lot that goes back to a subdivision that was created in the mid-60s. He does believe it is the last remaining lot. There is quite a bit of grade on this lot and from the cul-de-sac it looks like it goes down. When they first were involved in this project it had a Board of Health approval on it but it was an older design with a higher design flow rate and a different system. They tried to push the house close to the road and as close to the side setbacks as possible because it gets them closer to being up the hill. Then they went through the process of redesigning the septic with the Board of Health. They actually shrunk the septic by close to 40%. They are keeping the house at a three bedroom max. They are using infiltrators and they are trying to reduce the overall footprint and disturbance area of the lot. Even with the house design, since the lot does drop off, they're actually stepping the house in three spots to kind of work with the grade. Chairperson Drummond asked if the topography goes down in the rear. Mr. Stokosa stated in the rear and the side. It goes down uniformly if you are at the top of the cul-de-sac.

Chairperson Drummond asked where the fill was going and where it has already gone. Mr. Stokosa stated the fill is going largely in the front and side area. Chairperson Drummond asked if there was more fill coming in and Mr. Stokosa said yes. There will be a lot of fill to bring it up. Chairperson Drummond asked how much fill was already brought in. Mr. Stokosa stated he does not know because he does not

have a survey of that. If they are talking quantities, just the septic component alone is about 1700 yards to build it up. This lot is probably at greater than 15%. The top of the pad has to be at 15%. As they are going down the hill it gets exaggerated. The original septic had two retaining walls along the front to pull back some of that material. Because that was approved they were actually allowed to keep that retaining wall where it was designed because the septic separation requirements are different than when the original approval happened. The Board of Health stated they are allowing them to hold that original retaining wall. They've been trying to minimize the amount of fill that comes in. They have the 1700 yards associated with the septic then they start to feather around the side and the front of the house to make some usable yard. Chairperson Drummond stated they are allowed 375 cubic yards each year. She asked if some was brought in last year. Mr. Stokosa stated there was some brought in last year. He is going to assume that it is probably at the 375 or maybe a little bit more but he doesn't have that information. Chairperson Drummond asked if 375 has been brought in this year as well. Mr. Stokosa stated it could have been. He would have to get the surveys to try to get exact numbers. He would say that would be roughly correct. Chairperson Drummond asked how they arrived at the new number of 2437 additional cubic yards. Mr. Stokosa stated that the numbers that he gave them was assuming that no fill had been brought in. That is taking the site at an existing condition state and then at a final grading state. Those are the total numbers to make the project look like what you were seeing on the plan. It's not an addition to those numbers. This is where it was existing and where they would be at final and that is the total. If there was some fill brought in it's going to be taken off of the number that he provided. Chairperson Drummond asked if this includes this year's 375 and Mr. Stokosa stated it does not. His numbers are just pre and post. He does not have the number of what was brought in because he does not have a survey to quantify it. He figures this is worst case. Right now they don't have a worst case so they have brought material in. Chairperson Drummond stated this is probably the reason why this lot has not been built on. Mr. Stokosa stated it is a contractor's lot. It takes time and financing. Everything has to be looked at, even the house design with how they stepped it down. Chairperson Drummond asked how big the lot itself is. Mr. Ahsan stated it appears to be a pretty large lot. Chairperson Drummond stated there is a 100 foot drop from the cul-de-sac to the back of the property. Mr. Stokosa Stated it is 2.74 acres. It has amazing views and it is a beautiful lot. It just takes a lot of work to get it there. Mr. Rickett stated they saw how much fill was coming in and they issued a stop. Chairperson Drummond asked what the neighbor from the back who had a nice view of a tree lined hill now seeing. She asked how far away they were and what they have done to that neighbor's view. Mr.

Stokosa stated the neighbor is tucked off to the side so there is a lot of tree buffer between them.

Chairperson Drummond asked what the neighbor on the backside views. Mr. Stokosa stated it will be exposed. His view has not changed but you will be able to see the back of his house from this new house. He's 125 feet down. Chairperson Drummond stated that neighbor will be so far down that he will be looking up to see this new house.

Chairperson Drummond asked how many trees came down. Mr. Stokosa stated it was an older lot so there were some bigger trees with larger canopies. She asked if they cleared only the area necessary. Mr. Stokosa stated he showed a certain disturbance limit. He does not have an as built to speak of. He did take a trip out there and would say there were probably 6 plus or minus that they show on the plan. It could be a few more but he is not sure.

Mr. Ahsan stated he has a number of 2437 and asked why it was not rounded out to 2500 just to be on the safe side. Mr. Stokosa stated he just did pre and post conditions. He did not want to ask for any more than they thought they absolutely needed. Fill is not cheap, the retaining wall is not cheap, and the house construction is not cheap. He provided what they thought would make the lot look good in the applicant's eyes. They went through grading with the applicant when they went with the design of the house. This is where the applicant felt they should be grading wise.

Chairperson Drummond asked how much of a backyard this property will have. Mr. Stokosa stated the back of the house does not have much fill going into the back. The way that the contours are there's maybe 10 or 15 feet of fill and it is just feathering into the foundation. All of the fill is right next to this cul-de-sac to support the septic. That's probably where 2/3 of the fill will be going. Chairperson Drummond stated it sounds like this is pretty much a necessity to get an appropriate house in there.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Ahsan stated it sounds like the main purpose of the fill is for the septic and to flatten the construction area. Mr. Stokosa stated it is not even to flatten it out. Where the fill is coming in it is still a three on one. It is just to shape around the exposed foundation. There will probably be 14 to 15 feet of exposed foundation on the one side. They're just trying to bring a little bit of fill in around the side of the building facing north. If you look at finished grade there is probably a 10 foot drop before you hit grade. A lot of that side yard is not technically usable. It's going to be tough to mow just because it's following the grade of the hill. They're just trying to grade around the house.

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

Discussion - Appeal 4164 – Frank Healy (6755-04-540369)

Frank Healy, 4069 Route 52, Holmes, requesting a Special Permit in order to have a care-takers apartment in a B1 Zone, pursuant to Section 194-87.

Frank Healy was present.

Chairperson Drummond asked what the business at this address was. Mr. Healy stated he is an attorney and this is his law office. Chairperson Drummond asked where the caretakers apartment was going to be. Mr. Healy stated it would be on the bottom floor. Chairperson Drummond stated it looks like there is black top parking and gravel parking. She asked how big the apartment would be and Mr. Healy stated it would be a one bedroom. He didn't add up the square footage but he did submit a plan. Chairperson Drummond asked if the person who would live there would have the responsibility of just making sure that the property is taken care of and taking care of shoveling and other responsibilities for the property. Mr. Healy said yes. There is also has a multifamily house to the southeast of his property. So there are always people coming in and out and there is a restaurant just below that. Over the years he has always had some issues with people coming in different things.

Chairperson Drummond asked how long the apartment had been there. Mr. Healy stated since 1990. Chairperson Drummond asked why this was before the Board at this point. Mr. Rickett stated the applicant wants to legalize it. It is a B1. Chairperson Drummond stated it has been existing and functioning just not legally. Mr. Rickett stated that is correct. He wants to get everything in order.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Ahsan stated if there is just a one bedroom apartment what is the rest of the structure set up for. Mr. Healy stated it is his law office. Mr. Ahsan asked if there was a separate entrance for the caretaker. Mr.

Healy stated the building is basically a one story but the back is all exposed so from the back it looks like it is a two-story. It's a separate entrance for each.

Chairperson Drummond asked if the property next door was residential. Mr. Healy stated the one labeled Cardius is 3 buildings. Two of them are multifamily and then he has a restaurant with an apartment above the restaurant. Chairperson Drummond stated it looks like this framed structure is 0.4 feet from the property line. Mr. Healy stated the one to the southwest is on the property line. Chairperson Drummond stated it shows it is clear from the property line but by 0.4 feet. That's approximately 3 inches from the property line. Mr. Healy stated he thought it was actually 4 inches over the property line. It is a multi-family house there. Right past that used to be Tina's Bar and Grill.

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

ADJOURNMENT:

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the meeting at 7:39 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary