Town of East Fishkill

ZONING BOARD OF APPEALS

August 25, 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, Norma Drummond, Sinead McLoughlin, Attorney; 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, September 22, 2026, and Tuesday, October 27, 2026.

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

Chairperson Drummond stated there is no new information on item number 2 or item number 5. Number 5 is only a discussion item so she is not even going to call that for the evening. Number 2 is a Public Hearing that was adjourned to tonight's meeting so she will have to open that and adjourn it again. The applicant himself would like to be here to join the discussion based on the concerns that were raised by his neighbor. He did ask that it be adjourned until next month.

Chairperson Drummond went through the procedures for the meeting. First is a decision. This is an application that had its Public Hearing. Then are two Public Hearings. These are applications the Board has already reviewed. Neighbors are then noticed and have the opportunity to tell the Board anything they may not be aware of. They know the property better than the Board may. Next are four discussions. These are mostly 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.

DECISION:

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.

Chairperson Drummond stated before they read the resolution on this application she does want to acknowledge that they did get another neighbor letter after they closed the public hearing. It essentially said the same thing as the other letter they had received last month. She does not believe there were any additional issues that were raised in the second letter. She just wanted everyone to be aware that there was a second letter received but because they had closed the public hearing they could not consider any additional information. Tonight's resolution will be based on their discussion at the last meeting and the meeting before that.

Mr. Ahsan stated for the record this application had the public hearing closed and they had reserved their decision.

APPEAL NUMBER:	4163
APPLICANT:	William Verlin
NAME OF PROJECT:	Application for a Special Permit to bring in 2,437 additional cubic yards of fill onto the property pursuant to Section 194-75 of the Town Code
LOCATION:	29 Wonderland Drive, Hopewell Junction (the “Property”)
TAX MAP NUMBER:	6455-00-891025
ZONING DISTRICT:	R-3

Resolution offered by Zoning Board Member: Aziz Ahsan

WHEREAS, the Property that is the subject of this application is located at 29 Wonderland Drive, Hopewell Junction, New York (the "Property"); and

WHEREAS, the Applicant seeks to bring an additional 2,437 cubic yards of fill onto the Property; and

WHEREAS, the amount of fill proposed by the Applicant requires the Applicant to obtain a Special Permit from the Zoning Board of Appeals ("ZBA") pursuant to Section 194-75 of the Town Code; and

WHEREAS, the Applicant has submitted plans depicting the proposed placement of fill, grading, final contours, drainage improvements and retaining wall associated with the proposed filling operation; and

WHEREAS, the plans and supporting materials have been reviewed by the ZBA and the Town Engineer; and

WHEREAS, the Applicant has demonstrated that the fill is required for proper placement of a sanitary disposal system and appropriate turnaround for the driveway; and

WHEREAS, this is an Unlisted Action under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the ZBA has reviewed the Short Environmental Assessment Form and the plans and materials submitted in connection with the application and has considered the potential environmental impacts associated with the proposed action, including drainage, erosion and sediment control, the placement and composition of fill, truck traffic, the proposed retaining wall, and potential impacts upon adjoining properties; and

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

WHEREAS, the Zoning Board of Appeals held a Public Hearing on July 28, 2026; and

NOW, THEREFORE, as a result of the foregoing, the Decision and Order of the Zoning Board of Appeals is as follows:

1. The ZBA finds that the proposed action, subject to the conditions imposed herein, will not result in a significant adverse environmental impact, and therefore the ZBA hereby issues a Negative Declaration pursuant to the State Environmental Quality Review Act ("SEQRA"); and

2. The ZBA finds that the application meets the requirements of Section 194-75 of the Town Code, and therefore the ZBA grants the application for a Special Permit to bring 2,437 additional cubic yards of fill onto the Property pursuant to Section 194-75 of the Town Code, subject to the following conditions:

   a. The placement of fill, grading, drainage improvements and all related work shall be performed in accordance with the plans submitted by the Applicant and approved by the ZBA, subject to any revisions required by the Town Engineer;

   b. Prior to the commencement of the filling operation, the Applicant shall submit a final plan, to the satisfaction and approval of the Town Engineer, which includes appropriate erosion, sediment and dust-control measures;

   c. All fill brought onto the Property shall constitute clean fill and shall contain no deleterious material, construction and demolition debris, solid waste, contaminated material or other material prohibited by applicable law;

   d. The source and composition of the fill shall be subject to inspection and verification by the Town or its environmental monitor as may be reasonably required;

   e. No more than twelve (12) loads of fill per day may be brought onto the Property;

   f. Fill may only be brought onto the Property between the hours of 8:00 A.M. and 4:00 P.M. on weekdays;

   g. No fill may be brought onto the Property on weekends or holidays;

   h. The Applicant shall maintain the Property and any affected public roadways in a safe and clean condition throughout the filling operation and shall promptly remove any dirt, mud, debris or other material deposited upon a public roadway as a result of trucks entering or leaving the Property;

   i. The Applicant shall implement and maintain all erosion, sediment-control, drainage and stormwater-management measures required by the approved plans and/or the Town Engineer throughout the filling and grading operation;

   j. The filling and grading operation shall not interfere with any natural watercourse or cause erosion, sedimentation, stormwater runoff or drainage conditions that adversely affect any adjoining or nearby property;

   k. Any retaining wall constructed in connection with the placement of fill authorized by this Special Permit shall be subject to the review and approval of the Town Engineer. The location, design, dimensions, structural details, drainage provisions, materials and method of construction of the retaining wall shall be approved by the Town Engineer prior to construction. Upon completion, the retaining wall shall be subject to inspection and final approval by the Town

Engineer, and the Applicant shall make any modifications or improvements required by the Town Engineer;

l. The Applicant shall permit the Town Engineer, Building Department, environmental monitor and other authorized Town representatives reasonable access to the Property for purposes of inspecting the filling operation and determining compliance with this Decision and Order;

m. The Applicant shall establish an escrow account in an amount determined by the Town for inspections by the Town Engineer and/or the Town's environmental monitor associated with the filling operation;

n. Upon completion of the filling operation, the Property shall be properly graded, stabilized and restored in accordance with the approved plans and to the satisfaction of the Town Engineer;

o. The total amount of additional fill authorized by this Special Permit shall not exceed 2,437 cubic yards. Any request to exceed that amount shall require further review and approval to the extent required by the Town Code; and

p. The Applicant shall obtain all other permits and approvals required by the Town of East Fishkill or any other governmental agency having jurisdiction over the proposed work.

BE IT FURTHER RESOLVED, that this Special Permit is limited to the application and plans approved herein and shall not be construed as authorizing any other use, excavation, filling, grading or development of the Property that otherwise requires approval under the Town Code; and

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

ADJOURNED PUBLIC HEARINGS:

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

Lydia Elswick, 17 Clove Branch Rd, Hopewell Junction, requesting a size variance for a proposed 32'X40' (1,280sf) detached garage, Pursuant to Section 194-107 and the Schedule of Bulk Regulations. Footprint of existing house is 1,283sf.

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

Chairperson Drummond stated the only thing she could say at this point was that the applicant did meet with the town's professionals and they did review the fact that yes, the overhang for the patio is included in the calculation. They are supposed to submit new plans well in advance of the next meeting so they will have new information for the next meeting to work from. The owner himself did say he wanted to be here at the next meeting to be able to answer any questions. Mr. Rickett stated they are expecting revised plans because he does also want to change the size of the garage. Chairperson Drummond stated she hopes he is adding windows because the neighbor wanted it to look a little bit more residential. Mr. Rickett stated he did ask for a rendering to show exactly what it's going to look like. Chairperson Drummond stated the neighbor does not need to see a 30 foot wall. Their request to make it look a little more residential is very appropriate.

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.

MOTION made by Rocco Limitone, seconded by Aziz Ahsan, to adjourn this Public Hearing to the September 22, 2026, meeting. Voted and carried unanimously.

PUBLIC HEARING:

Appeal 4165– Joseph Colacino (6657-03-174115)

Joseph Colacino, 51 Old Route 52, Stormville., requesting a variance to have a second detached garage, a 23' sideline variance for the proposed 24x26 (624sf) detached garage, and hvac unit, Pursuant to Section 194-107 and the Schedule of Bulk Regulations. Footprint of existing house is 900sf.

Joseph Colacino and Marco Reis were present.

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

Chairperson Drummond stated last month they reviewed this application. The house itself is only 900 square feet which means by code they are allowed a garage that is 750 square feet. The size of the garage is not what is an issue here. The issue is its location. It is just proposed as 2 feet off of the property line. They talked about why that is the best location for it. This is a second garage. There is another garage that's already at the back of the property. They have a long driveway that runs up the left side of the house and then curves and goes back to the existing garage. If they actually had him move the garage in further from the property line, the applicant explained that his ability to back out of the first garage and turn around would be prohibited. It doesn't make sense to make the existing garage non-functional. They did discuss where the septic is and that does not necessarily factor into the decision of where to put this. What the applicant was really looking for was to have the appropriate turn around space for the existing garage and to maintain as much of his backyard as possible. The house itself and the tree line are going to mostly blocked the view from the road of this additional garage. Chairperson Drummond stated an important fact to note is that the house and the existing garage were built in the 1950s, which is before zoning was in place in East Fishkill. The fact that the initial garage is so close to the property line is because it was prior to zoning. Apparently the two adjacent lots were originally combined with this as one large lot that got subdivided.

Mr. Rickett asked if they wanted to grant variances on the existing structures to clean up the site since they are touching the rest of the property. Chairperson Drummond stated they probably should. They

have done it in the past. They have been there since the 50s and they are not the subject of this application. They should recognize that that they were built when zoning was not in place. She asked if something could be added to the resolution to memorialize this.

Chairperson Drummond stated that the garage itself is proposed to be 24 feet by 26 feet which is a standard two bay garage. What he has told them is that the existing garage is two bays, but it is too small and has a wall separating the inside which limits its ability to be functional. Mr. Colacino stated that being designed back in the 50s it is not built for today's SUV's.

Chairperson Drummond stated that the applicant has said the exterior will match the existing house. It will have an HVAC system because he is looking to use the garage to work on the car when he is in there. There will be no commercial use. It will be strictly residential. It will also enable the garage to be warmer when they go in to start the cars and to keep the cars warmer. The applicant also stated that there was a large 100-plus year old tree on the property that he does not want to disturb its root system in any way. That was also one of the contributing factors as to why the garage is placed off on the side.

Mr. Colacino stated that the previous meeting they did not discuss that in the big open green space is an in ground pool that was filled in before they moved in and he does not know how stable that ground is, which was another reason why he did not want to put a garage on that location. He did supply some satellite photos to show it. It was a rectangular pool and they did not tear it down because you can see the upper ledge of it in the grass line. That would be the only other feasible area to put it. Mr. Reis stated he had the measurements that were requested as well. He also stated that the old shed in the neighbor's yard is gone already and they will probably be putting a new one in eventually.

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

Mr. Ahsan asked if the shed that was currently only four feet from the property line got approval at one time. Mr. Colacino stated that was also built in the 50s. Chairperson Drummond asked if that was the shed that the applicant had mentioned was going to be coming down. Mr. Reis said no that shed is staying and they are building the garage right next to it. Mr. Rickett stated that will give them the maximum number of structures as they are getting the variance for the second garage. He stated if they add that they can clean up the shed with an 11 foot sideline and the existing garage with a 20 foot rear

line. Mr. Ahsan asked if cleaning up those two other buildings could be added onto the resolution as they were not advertised but they were not a part of this application and Mr. Rickett said yes.

Chairperson Drummond asked how far from the rear line the proposed shed was going to be. Mr. Reis said The existing garage is 30 feet from the back to the front. The shed is 14 feet and there is a 2 foot gap between them. That puts them at 47 and they were planning on building this building 2 feet off of the shed so he will build it 3 feet off of the shed to get that 50 foot clearance. Chairperson Drummond stated the overhang is included in the 50 feet. Mr. Rickett stated if they are going to have the overhang on that side of the building they are going to have to make sure that the end of the overhang is 50 feet from the back. Mr. Reis stated they would stake it out and put it right at the 50. Mr. Ahsan asked if it would be better to give them a two foot variance. Chairperson Drummond stated they probably want room between the two buildings to walk between them anyway. She stated they will probably need the space in between there so it shouldn't be an issue. Mr. Reis stated even if they only go two feet in front they still have the fact that the original shed is 1 foot off of the property line and they didn't count that in so they are still at 50. Mr. Rickett stated it is 1 foot 7 inches off of the property line.

Chairperson Drummond asked if there was anyone in the public to speak for or against this application. Mr. Colacino stated his next door neighbor was unable to be there but she did give him a letter to present to the Board. Chairperson Drummond read the letter from Alyssa and Alfred Miller in support of this application.

Mr. Ahsan asked if this resolution needed to be passed tonight or if the applicant could wait a month. He stated his preference would be to close and reserve the decision till next month to make sure that the resolution is cleaned up with all of these additional changes. Mr. Reis stated they are looking to start work on this project as soon as possible. They are trying to get it done before snow flies.

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

APPEAL NUMBER: 4165

APPLICANT: Joseph Colacino

NAME OF PROJECT: (i) a Variance from § 194-107 of the Town Code and the Schedule of Bulk Regulations to permit a second detached garage; (ii) a 23' sideline Variance from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations for a proposed 24'x 26' (624 s.f.) detached garage and associated HVAC (the Variances)

LOCATION: 51 Old Route 52, Stormville (the "Property")

TAX MAP NUMBER: 6657-03-174115

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the Applicant seeks variances from the requirements of § 194-107 of the Town Code and the Schedule of Bulk Regulations to permit a second detached garage and a 23-foot side-line variance for a proposed 24' x 26' (624-square-foot) detached garage and associated HVAC unit; and

WHEREAS, the Property is improved with an existing single-family residence having a footprint of approximately 900 square feet, together with an existing detached garage; and

WHEREAS, § 194-107 of the Town Code provides that no more than one detached garage is permitted on a residential lot, thereby requiring a variance to permit the proposed second detached garage; and

WHEREAS, the proposed second detached garage will contain approximately 624 square feet and will be located as depicted on the plans submitted with the application; and

WHEREAS, the proposed location of the detached garage and associated HVAC unit requires a 23-foot side-line variance from the applicable requirements of the Schedule of Bulk Regulations; and

WHEREAS, the Zoning Board of Appeals ("ZBA") has reviewed the application, plans and supporting materials submitted by the Applicant; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on July 22, 2026; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on August 25, 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. The proposed garage is accessory to the existing residential use of the Property,

the Property will remain residential in character and the garage will be set at the rear of the property thus limiting its visibility from the road;

The desired result could not be achieved by other means due to the existing development and physical layout of the Property;

The Variances could be deemed substantial, but any potential impacts are minimized by the prior improvements and size the Property; and

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

The Variances are, at least in part, self-created. However, this factor is not dispositive and, when weighed together with the other statutory factors, does not warrant denial of the requested variances.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request of Joseph Colacino for (i) a Variance from § 194-107 of the Town Code and the Schedule of Bulk Regulations to permit a second detached garage; (ii) a 23' sideline Variance from the requirements of Section 194-95 of the Town Code and the Schedule of Bulk Regulations for a proposed 24'x 26' (624 s.f.) detached garage and associated HVAC, (iii) an 11' sideline variance for the existing shed; (iv) a 49' rear line variance for an existing garage, both built before the Zoning Code was adopted (the Variances) subject to the following conditions:

1. The proposed detached garage and HVAC unit shall be constructed and located in substantial conformity with the plans and materials submitted to and approved by the ZBA.
2. The detached garage shall remain accessory to the principal residential use of the Property and shall not be used as a separate dwelling unit or for any commercial or business use.
3. The detached garage shall not be converted to habitable living space without obtaining all approvals required by the Town Code.
4. The Applicant shall obtain all required building, electrical, mechanical and other permits and approvals prior to construction or installation of the improvements authorized by this Resolution.
5. The HVAC unit shall be installed in the location depicted on the approved plans and shall comply with all applicable Town Code and New York State Uniform Code requirements.
6. Any exterior lighting associated with the detached garage shall be directed and shielded so as to minimize impacts upon adjoining properties and shall comply with the applicable provisions of the Town Code.
7. Any material modification to the location, dimensions or use of the detached garage or HVAC unit that increases the degree of the variances granted herein shall require further review and approval by the ZBA.

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 2216 – Shenandoah Farm, LLC (6555-00-135831)

> Shenandoah Farm, LLC, 270 Jackson Road, Hopewell Junction, is requesting an extension on their Soil Mining Permit for Shenandoah Farms, which was granted by the Zoning Board of Appeals on July 8, 2008, pursuant to Section 194-75 of the Zoning Ordinance. (Permit was originally issued 7/8/08, renewed through October 27, 2026).

Dan Jackson, Sr. was present.

Chairperson Drummond stated the applicant is here before their permit expires. They did have the building department go out and do a review and inspection of the property just to make sure that they are in compliance with everything. The review found that the property was very well maintained, low activity, and everything was as it should be. They are operating with all the erosion and sedimentation controls and everything else in place. She stated the last time they were here the DEC permit was getting renewed. Mr. Jackson stated the DEC permit has been renewed through 2029.

Chairperson Drummond asked how activity on the site was. Mr. Jackson stated it is slow sometimes and then it gets crazy. It does appear to be seasonal. August seems to be their slowdown time and then there

becomes a big push in the November timeframe. It seems to be when contractors are trying to get all their jobs done before winter. Last winter they had nothing to do during the heavy snow until March.

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

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for September 22, 2026. Voted and carried unanimously.

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.

Chairperson Drummond stated she has previously stated there was no action on this application as there is no new information.

Discussion – Appeal 4166 – Juan Barbecho (6755-01-185860)

Juan Barbecho, 495 Stormville Mountain Rd., Stormville, requesting a Special Permit in order to bring in 816 additional cubic yards of fill, pursuant to Section 194-75 of the Zoning Ordinance.

Allison Marino was present.

Chairperson Drummond asked if the house was built or if it is a vacant lot. Ms. Marino stated it is a vacant lot. They need this fill in order to be able to put the house in. Ms. Marino stated it slopes down at about 12% to 15% for most of the site. The fill is just to catch the grade as it goes down.

Chairperson Drummond asked what is behind where the fill would be going. Ms. Marino stated that the property extends 800 feet back. It is a very long property. Mr. Rickett stated it extends all the way to I-84. Chairperson Drummond asked if there would be a neighbor behind them who this would impact and Ms. Marino said no. She stated there is a wetland about 270 feet back from the fill but they are well outside of the buffer. It does have DEC approval and DEP approval as well.

Chairperson Drummond asked where they are building the house. Ms. Marino stated it will be towards the front of the property. They are at 53.3 feet off of Stormville Mountain Road. Chairperson Drummond stated they are barely meeting the minimum but she does understand with the wetland why. She stated it looks like there is a dirt trail and a pond back there as well. She asked if the dirt trail area is where the driveway was going to be. Ms. Marino stated they will be building on the other parcel. There is no one around them at all.

Chairperson Drummond stated the total property is 9.1 acres. She stated it looks like the 100 foot buffer for the wetlands is approximately 200 feet back so they have plenty of room to put the house. Mr. Rickett stated it is at least 76 feet away. Chairperson Drummond stated they just want to make sure they are not impacting any of the wetlands.

Chairperson Drummond asked if they needed the fill to put in the house or the septic or for the yard. Ms. Marino stated it will be for the driveway, the house, and the yard. The septic is also in Fill but it is not included in this fill request. The code does not require septic under the fill variance.

Chairperson Drummond asked if the applicant has spoken to the neighbor next door and if they are aware of this request. Ms. Marino stated she does not believe so. She is not sure if the second lot was ever developed. It was originally the same owner for both parcels and then he sold them off. She is unsure if parcel 2 was ever developed.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for September 22, 2026. Voted and carried unanimously.

Mr. Rickett requested that they clear out the brush along the stonewall where they are going to put that sign because it is tall right now and would block the sign. They just need one sign along the road frontage.

Discussion - Appeal 4167 – Nua Nucullaj (6457-02-657690)

Nua Nucullaj, 127 Martin Rd., Hopewell Junction, requesting a Special Permit in order to bring in 275 additional cubic yards of fill, pursuant to Section 194-75 of the Zoning Ordinance.

Brian Hildenbrant was present.

Mr. Hildenbrant stated he is the representative for this and the next application. It started with a stop work order on 131 Martin Road. They were bringing in fill and got stopped by the town. While code enforcement was out there as collateral damage they saw that the neighbor did the same thing so that is for this application. That work is done and the fill has been placed. The vegetation has come in. It is not grass but weeds and shrubs and it is stable. T here is no additional work proposed. Chairperson Drummond asked why it was brought in and what it was creating an area for or what was its need. Mr. Hildenbrant stated it is to expand the yard. The houses sit high up and they slope down towards the Fishkill Creek. They use this to plateau out to make more of a yard. Chairperson Drummond asked how far away they are from the creek. She asked if there was stabilization while it was being put in to be sure nothing impacted the creek. Mr. Hildenbrant stated he is unaware of any. The property slopes down and then the wetland starts and then the bed of the creek is a little further away. Chairperson Drummond asked if any fill went into the wetland. Mr. Hildenbrant stated he cannot tell because it is all overgrown now. Mr. Rickett stated there is no way to tell. He said they did not observe it while it was being done. This was collateral from seeing the one that was being actively done. Mr. Hildenbrant stated there was no existing condition so he took GIS as a starting point and then resurveyed what is there now to give the Board an idea of what the change is and that is what the plan shows. Chairperson Drummond stated based on the change that they found was there a change in the area of the wetland or its buffer. Mr. Hildenbrant stated they are in the buffer completely. He showed on his map where the buffer is and where the wetland boundary is. Half of the house is in the buffer. Chairperson Drummond asked if it went past the wetland line. Mr. Hildenbrant stated there is no encroachment in the wetland itself. They are just in the buffer. Chairperson Drummond

stated it is stable now with all of the storms that they have had. Mr. Hildenbrant said correct. There is no additional fill coming in. Chairperson Drummond stated they were allowed 375 so this 275 was in addition to that. Mr. Hildenbrant said yes. Chairperson Drummond stated at this point it would probably be more impactful to take out 275 cubic yards.

Mr. Ahsan asked if 650 net cubic yards is what the total amount will be and Chairperson Drummond stated yes. He just wanted to make sure that the 275 yards is the exact amount they need for the approval. Chairperson Drummond stated that was correct.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for September 22, 2026. Voted and carried unanimously.

Discussion - Appeal 4168 – Joseph Calcutti (6457-02-650674)

Joseph Calcutti, 131 Martin Rd., Hopewell Junction, requesting a Special Permit in order to bring in 1,545 additional cubic yards of fill, pursuant to Section 194-75 of the Zoning Ordinance.

Brian Hildenbrant was present.

Chairperson Drummond asked why this required so much fill to be brought in and what it is impacting. Mr. Hildenbrant stated this is similar to the prior application. The fill was straight out of the back to create a play area and backyard area. The existing grade slopes down south they plateaued it out and sloped it down. The applicant has received a stop work order and he has not been able to do anything since then. This plan has a stabilization plan and the finished grade right now is in a bit of disarray with the stop work order. Mr. Rickett stated this property came before them over the last two years for some variances for the sheds and garage. The applicant had a carport in the backyard and we cleaned up the site. Chairperson Drummond had walked by it and you cannot really see anything from the road. She stated she drove by it the other day just to get a feel for it and you can't see this. She stated that is one good thing in the applicant's favor that it cannot be seen from the roadway.

Mr. Hildenbrant stated pre-existing they did a GIS topo. They are showing the sheds from the survey and the slopes. He had a secondary survey showing what they have surveyed this year. It shows the wetland buffer and the edge of the Fishkill Creek. He was able to show the work that they have done and what area they have filled in to date. He had a third drawing to show the final proposal which is to clean up the slope and make it a uniform slope at a more reasonable pitch. They will stabilize it with erosion controls. There are erosion controls in there today. He is not sure how they are faring with all the rain we have had. They did do some mitigation ahead of time. Once they get back in they will reestablish the silt fence line and stabilize it as needed to make sure the slope does not wash away. In order to complete the project they will need to have more fill brought in to make it not as steep. Chairperson Drummond stated in the past they used to have homeowners install big boulders or a fence around a wetland buffer to keep them out of the wetlands. That was on lots when a developer was building. That is probably something they can't do here. She stated people don't realize it's not just the wetland itself. The vegetation and wildlife that exists in a wetland need to be protected, and it extends far beyond the limits of a creek. Especially a creek in the summertime versus a creek in the winter time. The impacts of filling in a wetland can have major impacts beyond their own property. They can be impacting somebody down the waterway a bit. That is why it is important that they pay attention to that.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Ahsan asked if the two sheds, the carport, and the garage were all approved. Mr. Rickett stated they have been addressed within the last two years.

> **MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for September 22, 2026. Voted and carried unanimously.

ADJOURNMENT:

> **MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the meeting at 7:56 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary