Town of East Fishkill

ZONING BOARD OF APPEALS

July 28, 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 7:45), 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, August 25, 2026, and Tuesday, September 22, 2026.

MOTION made by Aziz Ahsan, seconded by Art Mahony, to approve the minutes of the meeting held June 23, 2026. Voted and carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing 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.

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

Chairperson Drummond stated the applicant is looking to put it in a 12 by 14 gazebo on an existing concrete pad. This was there when he purchased the property and it was originally a bar area that did not have a permit so it had to come down. It is next to the pool so it makes sense to put something new there. The septic is next to the pool off to the side but it will limit where he could put this if he was looking to put it someplace else. Mr. Ahsan asked about a second concrete pad on the property last month and that is where the pool equipment is sitting according to Mr. Rickett. There is some vegetation that limits the neighbor's ability to see this. It is not completely hidden, but there is some screening from the neighbor.

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.

Christine Hansen stated she lives at 19 Sunset Boulevard, which is directly behind this parcel. She is looking for clarification on where exactly this would be located on the property. She has been on this property since it was built in 1977 and there has never been a structure basically in her backyard. She is concerned that there will be a structure closer to her house than to the applicant's house. Mr. Ahsan stated the proposed gazebo is right next to the swimming pool. It will be in the backyard. Clerk Keenan

showed Ms. Hansen on the map where the structure would be located. Ms. Hansen had no additional questions.

Chairperson Drummond asked if there was anyone else with additional questions. There was no one.

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

APPEAL NUMBER:	4161
APPLICANT:	Edward Portillo
NAME OF PROJECT:	A 12' sideline Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 12'x14' (168 s.f.) gazebo (the "Variance")
LOCATION:	118 Lake Walton Road, Hopewell Junction (the "Property")
TAX MAP NUMBER:	6357-02-572905
ZONING DISTRICT:	R-1

Resolution offered by Zoning Board Member: Aziz Ahsan

WHEREAS, the Applicant seeks a 12' sideline variance from the requirements of Section 194-107 of the Town Code and Schedule of Bulk Regulations for a proposed 12'x14' (168 s.f.) gazebo;

WHEREAS, the proposed gazebo is intended to be constructed upon an existing concrete slab adjacent to the existing in-ground pool and relocation of the structure would require substantial reconstruction of existing improvements; and

WHEREAS, the Property is constrained by size, existing improvements, including the location of the residence, swimming pool, existing concrete patio and associated improvements, thereby significantly limiting the locations where the gazebo may be reasonably constructed; 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 July 22, 2026; and;

WHEREAS, the Zoning Board of Appeals held a Public Hearing on July 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 gazebos are customary residential accessory structures and the proposed location is adjacent to the existing pool and patio area;

The desired result could not be achieved by other means, and due to the Property configuration and existing improvements, including a pool, relocation is impractical;

The Variance is not substantial considering the size of the property, existing improvements and limited impact upon adjoining properties;

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request of Edward Portillo for a 12' sideline Variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations for a proposed 12'x14' (168 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: Art Mahony
The votes were as follows:

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

PUBLIC HEARING:

Public Hearing 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.

Garrett Legett was present.

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

Chairperson Drummond stated this is a pretty big garage. The owners have been doing a lot of work to the property. She does believe the pool is installed. Mr. Leggett stated he believes it is in and the pool liner is in. Chairperson Drummond stated there is safety fence up around it. She stated this will be replacing a shed that is at the top of the driveway. It will be there and off to the side a little bit. There will be a garage door in the front, facing the front. There will also be a garage door off on the far side toward the house. That is the side where there is a significant amount of vegetation so the screening to the neighbor on that side is pretty significant. It is a big room in there and that is why the Board was asking what he needed it for. Part of the structure includes a covered patio. It is not a deck as it is at ground level. They would be able to use that covered patio for the benefit of the pool. They needed to make sure that large room on the far side was not going to be used as an apartment. Mr. Leggett stated the only thing it would be used for is the parking of the applicant's personal vehicle. It is a full size pickup truck. He has a Scags lawn mower that he would like to park in there as well as some other yard equipment. Chairperson Drummond stated they have been told that there will be a lot of cabinets in there because he has a lot of tools. Mr. Leggett stated most of the space will be used for storage. There will be no commercial or business activity going on in this property. Mr. Leggett stated that his client had

mentioned to him that the plans were submitted in such a rush he did not properly review them. His concern is that the depth is not enough for his full size truck and he would like to make it deeper to 30 feet. With that said, instead of making it the same 40 by 28 that was originally proposed he is proposing that they bring it in on the sides to make it smaller to give the same square footage. The agenda has it as 32 x 40. The plans themselves are 28 feet by 40 feet. Chairperson Drummond stated Mr. Rickett made the adjustment possibly to include the overhang. Chairperson Drummond asked what was noticed in the paper and Clerk Keenan did not have access to those records at this moment. Mr. Leggett stated he is proposing that it would be 37 feet wide from the road and 30 feet deep and then have the same size overhang. That would reduce the 40 feet to 37 feet. Chairperson Drummond stated that should make it less than what was noticed. Mr. Leggett stated that in the end they will make it so the square footage they are asking for as a variance which is 510 square feet so it would be the same. He would just reduce the footprint in the direction width wise. Chairperson Drummond stated they were making a building sized at 28x40, not the 32x40. Chairperson Drummond stated they need to be sure that it is smaller than what was sent to the neighbors and what was noticed.

Chairperson Drummond asked if there was a second floor to it. Mr. Leggett stated there is not. Chairperson Drummond asked how tall it was going to be. Mr. Leggett stated from the ground to the ridge will be 16 feet 10 inches. It is a single story with flat trusses. There is no storage above it.

Chairperson Drummond asked if there would be electric for a garage door open and Mr. Leggett said yes. She asked if there would be any water and Mr. Leggett stated the pool equipment would be housed in the corner so that would be the only water. Chairperson Drummond verified there would be no heating system in the garage and Mr. Leggett stated that was correct.

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.

Martin Banyard stated he lives next door to the Elswick's. They are very good neighbors so this is difficult to do. The proposed building would be located between their two homes. The proposed building at 32 by 40 has a footprint of approximately 1280 square feet. The Elswick's home as a footprint of only 1283 square feet, making this building 3 feet smaller than their home. Mr. Banyard's home has a

footprint of 1689 square feet. Neither home is large and this structure would be like putting another house in between them. His second objection is the proposed primary use of the building. He stated Mr. Elswick has been very upfront about saying that he wants to move his contracting business into this building. The design of the building looks like a commercial front. The area is zoned R1 not mixed-use. He believes that since this has become a very busy main road, they should be diligent to prevent the commercial use of any of the properties along the road. If not, it will no longer be strictly residential and the property values will be negatively affected. There is one garage door that is probably 10 feet wide which leaves 30 feet of nothing. There are no proposed windows or anything, so it will look like a commercial building stuck between the two homes. His concern is that his property value will go down based on this.

Loretta Banyard stated she lives in the house next door. Her concern is that now they are hearing different sizes, but the amount of the variance would still be 510 square feet. They are still looking at 510 foot variance above what the normal size building would be allowed to be. Chairperson Drummond stated yes that is based on the size of his house's footprint. Ms. Banyard stated that her house, the applicant's house, and the house on the other side of her are the three largest homes in the area. The rest in the neighborhood are actually smaller so this will be very out of place. Ms. Banyard stated her next concern is that they just had their property surveyed. She is not sure where the applicant has taken his measurement from for the side of this building because the line moved closer towards his property. It's not by much and it is at an angle. It is zero movement at the front of the property and more than five feet at the midway, which is where his pool is and where this proposed building is. She is not sure where this building will be situated and how he knew what variances he needed if the property had never been staked. She wants to be sure of the amount of space between the property line and the edge of this building. Mr. Ahsan stated they have a survey that shows the line showing an iron rod on Clove Branch Road and an iron rod all the way back. The applicant survey clearly located the iron rods. Chairperson Drummond stated this survey was just done on May 15th. Chairperson Drummond stated there was a post and rail fence between the properties and Ms. Banyard stated it is hers. She stated it is not on the property line but inside the property line. Chairperson Drummond stated she saw markers when she walked by this morning. Ms. Banyard asked how far away the structure would be from the marker that is there. She hasn't seen anything. Mr. Ahsan stated it would be approximately 32 feet in. Chairperson Drummond stated that does not need a variance and he is allowed to put a structure there. It is the size of

the structure that is requiring the variance. Ms. Banyard stated it is the size and the use they are concerned with because the applicant has been very upfront about wanting to use it for his business. Chairperson Drummond stated she made a point of saying there was a lot of vegetation on the other side but acknowledges there is not a lot of vegetation on this neighbor's side. There is a post and rail fence and some vegetation in front of it but it is not enough to screen it from their home. Chairperson Drummond stated the side of the structure that these neighbors will see will now be 37 feet deep. Mr. Leggett stated now it will be even further away from the property line because he does believe that the pool is set and the plumbing is set so the corner of that building has to be at a certain spot where it comes up. He does believe as he changes this plan it will pull it further away from the property line by approximately 3 feet. That should put them at roughly 35 feet away. Chairperson Drummond stated a structure that size is still significant. Mr. Leggett stated he does not believe his client would have a problem putting some screening up. Chairperson Drummond stated that the square footage of the garage itself would be 1180, not 1280. Mr. Leggett stated the 1280 should include the overhang. Chairperson Drummond asked if the 1283 was the existing footprint for the home and Mr. Leggett said yes. Chairperson Drummond stated if the structure is 1180 then the variance will be even less. Mr. Leggett stated the 510 was based on the notice that came from the Town itself. Mr. Mahony stated 37x30 is 1110. Chairperson Drummond stated now that means they are talking about a variance of a little over 300 feet. She stated this structure also includes a covered patio in the back. Chairperson Drummond stated if they put some sort of break between the hangover roof and the garage it would shrink the garage and he wouldn't even need a variance. Mr. Leggett stated no, the garage itself is still 1120. That number does not include the covered area. The covered area is approximately 160 square feet.

Chairperson Drummond stated on the plan that they have it looks like the 40 feet is going across the driveway and Mr. Leggett stated that was correct. He stated that is the dimension he is looking to shrink. Chairperson Drummond stated that means the neighbors will be seeing the 30 foot wall instead of the 28 foot wall. Chairperson Drummond asked if there were any windows proposed to be along that side. Mr. Leggett stated not currently but he is sure that the applicant would be willing to add some windows to make it look much more residential.

Chairperson Drummond stated last month when they asked about the use of this Mr. Leggett stated it was going to be for some of his business use. Mr. Leggett stated the applicant is a contractor and that is what he does by trade. He will park his vehicle there and he owns tools almost like any other

homeowner would park a vehicle and own tools. Chairperson Drummond asked if he had his own business and Mr. Leggett stated yes it is his full time business. Chairperson Drummond asked where this business is run out of right now. Mr. Leggett stated he believes he has a storage area offsite from his house. He is unsure if it is a rental space. Chairperson Drummond stated they were very clear to be assured that there would not be commercial use here. There will be no business use in this structure. Mr. Leggett stated that he has been told that the applicant is using this garage to store his personal vehicle. Chairperson Drummond stated they were assured last month that there would be no business running out of this building. The issue becomes once it is built if he or the next owner of the property uses it for commercial use she does not know what the recourse is. Chairperson Drummond asked if there was any way to reduce the size of this based on the concerns voiced by the neighbors, or could vegetation be added in. Mr. Leggett stated he believed they could put up some vegetation. They can put windows on the front because he does know it is very plain as it sits now. They may even be able to put up enough vegetation to screen the pool area from the neighbors. They don't have any plans for that but they could add it. Chairperson Drummond stated it appears to her when she walks by that they did clear out some of the vegetation. There is definitely some new grass and cleared area. Mr. Leggett stated there was some broken patio that the applicant was trying to get fixed up because it was a trip hazard. Chairperson Drummond stated there has been a lot of work done in the house and as he finishes each area he seems to be finishing them well. They had mentioned they have been doing a lot of work since his mother-in-law who was living with them has passed.

Mrs. Banyard stated that she believes they are hearing two different stories. Mr. Elswick presently rents in what used to be Stringham's Farm. He has told them that he wants to get rid of that place and move everything into this garage. Chairperson Drummond stated he might have tools or materials there and want to move them into this garage. Having tools and storing them at his home is not the same as running a business out of his home. That's what they need to be careful about. Unfortunately the applicant himself was not here tonight to answer or respond to these questions. She stated she is not discounting anything that the Banyards have stated. They were very clear last month asking about any work use and they were told no.

Mr. Banyard asked what the actual size of the garage was and what the proposal for the patio roof cover was. He asked if they were one and the same. Chairperson Drummond stated there is no 32 by 40 anymore. They are now being told it is 30 by 37. The 30 foot side will be facing the neighbor's house

and the 37 feet will be going across the top of the driveway. Mr. Banyard asked if that includes the cover for the patio. Chairperson Drummond stated they were just told it did not. Chairperson Drummond stated she thought they were clear last month that it was included. Mr. Banyard stated that they were told there would be a changing room and a room for the pool equipment in the garage as well. He feels that at this point they really don't know what the footprint entails. Mr. Ahsan stated that the existing shed is going to be removed. Mr. Banyard stated the current shed is approximately 10 by 12. It is very small.

Chairperson Drummond asked for the patio dimensions. Mr. Leggett stated that the garage itself is 37 feet wide as you see it from the driveway and 30 feet deep. Beyond that he is looking to do a roof coming off of the back of the garage for a patio. It will be approximately 9 feet out from the back of the garage. It will be 17 1/2 feet wide, which will just be two posts and a roof. Attorney McLoughlin stated they had 18 feet 9 inches by 9 feet in what Mr. Rickett had calculated. Mr. Leggett stated he believed that Mr. Rickett was including the overhangs in that for some reason. Mr. Leggett gave the dimensions from post to post. It should be roughly 160 square feet. Attorney McLoughlin stated between the garage and the patio cover she believes they are at 1270 square feet. Chairperson Drummond asked if the 1270 needed the variance or just the building and Attorney McLoughlin stated that it was originally for a 510 square foot variance with a total square footage for both combined the detached garage and the covered patio of 1280 and now they are at 1270. Chairperson Drummond stated the agenda says 1180. They need to be very clear that they are getting Clerk Kenan the correct information. Chairperson Drummond stated she is going to ask that they adjourn tonight's hearing because they are going to need a new set of plans. The board has no plans and the neighbors should have the ability to review a set of plans. She really needs to make sure that these numbers are all correct. She does believe that they are fine with the noticing and they do not need to do anything additional as the actual variance sounds like it has been decreased. They need to be clear as to if the covered patio is included because it is attached to the garage.

> **MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn this Public Hearing to the August 25, 2026, meeting. Voted and carried unanimously.

Chairperson Drummond suggested the applicant get a new set of plans to the Board and that gives the neighbors the opportunity to come and look at those plans before the next meeting. They should also consider some sort of landscaping plan so they can address the concerns raised by the neighbors as to

what their view will be. There is plenty of vegetation on the other side but the side towards the Banyards is scarce. Lastly she would like something in writing from the applicant stating that there will not be a business use at this residence. Mr. Leggett stated he will have the applicant write something up and it will be submitted when he resubmits the new plans. Mr. Ahsan suggested that the applicant put up markers or stakes so the neighbors can see exactly where the new building will be positioned. Mr. Leggett stated he believes the applicant should be able to do that without any issues, especially now that the pool is in.

Public Hearing 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.

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

Chairperson Drummond stated she believes they need to understand what is going on the site. The Board had the opportunity to review this application last month. The person who is looking to build a home there has brought in some fill already. Nobody is really clear on how much fill has already been brought in according to what Mr. Stokosa stated last month. There is additional fill that is needed for that lot to be a buildable lot. It is approximately 1700 to 1800 feet just for the septic system alone. From what they read on the plans there is a 90 to 100 foot drop from the front of the property to the back of the property. She thought they did the measurements for steep slopes last month and they were all clear that it did not qualify as a steep slope. It is closer to the 15% than it is to the 25%. They need to understand what Mr. Stoklosa's measurement is based on. They need to know what is there now and why they need that fill.

Mr. Stokosa stated when they got involved in this project they were originally tasked with looking at the septic from a Board of Health standpoint. This subdivision was filed in the mid-60s. This is one of the last remaining lots at the cul-de-sac. About 15 years ago the lot received a Board of Health approval.

That approval was based on some old design guidelines. Since that time the Health Department has actually lowered their gallons per day per bedroom standard. They have also allowed the use of infiltrators for the septic design. Between those two components they can basically shrink the septic area about 40%. That does require a reapproval from the Department of Health. Walking through that process they had survey on site to get an existing conditions plan because it was an older map. The surveyor went out and the topography shown on the map is an actual field survey done before any work was done on the site. Chairperson Drummond asked if the owner had brought in fill previous to that survey. Mr. Stokosa stated no. This is a tree and wooded condition. This process started about two years ago. Working through the Board of Health it is a 110 gallons per day per bedroom so this is limited to a three bedroom maximum. They used infiltrators. The way the lot slopes off from the cul-de-sac caused them to push the septic up as close to the front of the property as possible. They also incorporated a retaining wall that was part of the original approval so that is in the new septic design system. They were able to reduce the absorption area of the septic and they also obtained a few waivers from the Health Department for slope stabilization. They have made an effort to really minimize the amount of material coming in. That septic still requires a lot of fill because the existing grade of that property is approximately 18%. The top of the fill pad is at 15%. As you go down the hillside it creates a wedge and that retaining wall that was approved by the Health Department actually cuts off the fill from expanding down further. They have redesigned the septic to try to limit the amount of fill to the new standards. They incorporated the retaining wall as part of the original approval. When they went to house design, they have stepped down the house in three sections due to the continued decrease in the grading. They have tried to work with the land as much as possible to try to limit the amount of fill around the house. It is a complex lot. That's why in some of the older subdivisions the lots are still available. Working through the Health Department there is actually a procedure that was developed to first clear the property, then install the well, and then move towards the septic, and then you work towards house construction. That's has not always been followed correctly so they are here today to correct that. The fill for the septic area is approximately 1700 yards. The balance of that fill is actually just to feather in from the absorption area around the foundation and toward the backyard. Even from a backyard standpoint. There's really not much there. The rear of the foundation is being stepped down and pinned into the rock and where the septic area in the front, it is shaped into the foundation. As far as available yard area where they could reduce the fill import, they have really kept it tight with two on one slopes with slope stabilization fabric. There's been an effort to really work with the property and be sensitive to

what has to come in and how it is constructed. In regard to expanding what material has been brought onto site, yes, there has been material brought on to the site. He does not have that number. Chairperson Drummond stated since they got the original survey there has been fill brought in and Mr. Stokosa said yes. Chairperson Drummond asked if the number that he used incorporates what has already been brought in and is not all additional fill that has to come in. Mr. Stokosa stated the number he brought in is based on tree condition versus CO. Chairperson Drummond stated that means they don't know exactly how much additional fill is required. They just know that start to finish they have a number. The applicant was probably allowed 375 cubic yards last year, he is allowed 375 cubic yards this year and those two years have been accounted for. The number that they have now removes that 750. Mr. Stokosa stated no they only did one year because they don't know if something was brought in last year or not. Chairperson Drummond asked who designed the retaining wall. Mr. Stokosa stated his company did the retaining wall design. They submitted for a permit to the building department for it approximately a year ago. Chairperson Drummond verified that the permit was submitted before the wall was built and Mr. Stokosa said yes but they are unsure if the permit was actually issued. The wall has been built and it was engineered. Chairperson Drummond stated that is an important piece of concern. Any retaining wall over 4 feet has to be engineered. Mr. Stokosa stated they did do the design on that wall and they did cement the wall with retaining wall calculations. It is a gravity based wall. There is Geotech that is extended between each layer of block and its extended back about 15 feet and the geogrid supports the wall face. There are aspects of that wall that need to be looked at. To be honest they were not involved with witnessing that wall go up so there are some improvements that need to be made to the wall. They need to have inspections to ensure that there's proper footings and the right geogrid was used. That will need to be redone from an inspection standpoint and that would be something that would be coordinated with the Building Department and Engineering Department. Chairperson Drummond stated that before any house gets put there all of those engineering pieces will be corrected and Mr. Stokosa said yes.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Mahony verified that the wall is already there and there is no septic in place yet and Mr. Stokosa stated that was correct. There has been fill brought in but typically they would install a retaining wall in layers. The normal way to do it is to stretch the geogrid, place the fill, put the block up, stretch more geogrid, etcetera. They have a wall with geogrid hanging over the retaining wall with no material behind it. Therefore aspects of that wall will need to be redone under the supervision of an engineer and the

Building Department. Chairperson Drummond stated for the record the Town Engineer was alright with the calculations and formula that Mr. Stokosa provided using the survey and what their amounts were.

Chairperson Drummond stated for the record Mr. Limitone has joined the Board. He had a flooding issue at his home he had to address first.

Chairperson Drummond stated they are in receipt of a letter dated July 9th, 2026, from Peter Hoh at 5 Short Court. He stated he is concerned neighbor. He does believe that the sheer scale of the proposed project poses a massive unmitigable risk to the surrounding properties and environments. He refers to photos and meeting minutes. He urges the Board that this appeal be postponed to a later date. He stated that the June 23rd, 2026, discussion was riddled with inaccuracies and the information presented was insufficient to allow the Board and neighbors to make an educated decision. He included supporting pages for this request. He also stated he had additional documents and photos that were available at the request of the Board. He stated that from 2025 to 2026 there was significant work done at 29 Wonderland. The lot was clear cut and an excavator began ground clearing in 2025. It continued progressing to rock scraping and then weeks of rock hammering. He stated during this time period numerous 10 and 12 wheel dump trucks delivered fill. In one day alone he counted eight dump trucks for up to 100 yards delivered while he was working in his yard. The trucks make a lot of noise laboring up the hill and using the Jake Brake going down the hill as well as when they dump their load. He stated numerous 18 wheeled trucks delivered concrete barriers which were assembled to create a 20 foot high, 150 foot long retaining wall. He did F.O.I.L. for all approvals and building permits for this parcel. He stated no documentation was on file. Soon after, a complaint was filed with the Engineering Department and a stop work order was issued. They are requesting a determination of steep slope designation as described in Chapter 154 of the Town Code by a certified engineer. His calculation, based on the Dutchess County parcel access map, is 35.11° which would make this property fall under steep slope protection. He would like a document and report to the Board of the total number of yards of fill and fill type that has been previously added to the property prior to this appeal. He also asks that the Zoning Board of Appeals speak with the Building and Engineering Department to fully understand the scope of the project and which permits have been issued. He is asking why the request for a special permit to fill is before the Board prior to any other approved permits have been issued. He would like a guarantee to the Board that the tree stumps from the land clearing are disposed of offsite to avoid insect infestations and land stability if buried. He stated when this approval is denied, the site should be returned to its

original conditions, with barriers removed and trees re-planted. He submitted a page of pictures. Chairperson Drummond stated there are so many trees in the picture she cannot see the retaining wall. The letter also included the steep slopes calculation based on parcel access. Chairperson Drummond stated that that is not the most accurate source to use for measurements. Also included is a current satellite view so they can see the significant limits of disturbance that have already occurred as well as a photo of the stop work order. There are notes from the Zoning Board of Appeals meeting held on June 23rd. He stated there is no fill type documentation supplied. He states the minutes said it is a 15% lot grade and he believes it to be a 35% lot grade. His letter stated that there were no retaining walls approved by East Fishkill Building and Engineering Departments. The minutes from last month referenced 375 yards or more in 2025 and 26 and he claims there were eight 10-wheeled truckloads in one day but it does not give a measurement of fill. He commented there are no records of previous fill amounts. His comment is the actual elevation change is 143 feet. Mr. Stokosa stated that could be from property line to property line. Chairperson Drummond stated they were reviewing the limits of disturbance versus property line to property line. She stated the letter also references the minutes regarding the neighbor's view and he attached photos. His comment is that there were 1.3 of the 2.7 acres cleared for 48%. Mr. Stokosa stated he does not know that number because they do not have a survey on the limits of disturbance as it exists today. Chairperson Drummond stated the letter also references 15 feet of exposed foundation being the neighbor's new view. He stated if this application is approved the neighbors are requesting that special permits are required for steep slopes and retaining walls. The special permits should allow for full review and neighbor comments. The comments should include steep slopes calculations by a qualified engineer with a question and answer portion with the engineer for possible negative impacts from the site construction. There should also be retaining wall engineering stability and safety discussions, property stormwater runoff mitigation plans for the extreme clear cutting, mitigation of the neighborhood view disruption with planting of deer resistant native species, and the fact that Miller Hill Road has a posted 5 ton weight limit is an issue. Approvals will be needed for 50 to 60 ton trucks loaded to be allowed on the road. He also is noting that 2400 cubic yards of fill is equivalent to 250 truckloads and they are requesting additional operating restrictions on the deliveries from Monday to Friday as 8:00 AM to 5:00 PM is not sufficient. They are restricting the total number of trucks per day and limiting the operating hours 9:00 AM to 11:00 AM and then 1:00 PM to 3:00 PM to avoid school buses and commuter traffic. He stated that Miller Hill is now a commuter and truck route for Putnam County residents to access the Taconic State Parkway and I-84 corridors.

Chairperson Drummond asked if there was anything in this letter that Mr. Stokosa would like to comment on. Mr. Stokosa stated he does not believe that fill brought in was septic wall reconstruction and inspection, that will be inspected. They will make sure that the fill does not consist of construction debris or model material. What was brought in was gravel-ish material. As part of moving forward and corrective measures, they would have material tickets. When the septic gets constructed there's various types of material that go into the septic such as sand and gravel, suitable loam and clay barriers. On other applications they have done they have requested material tickets and periodic inspections. There is also an environmental monitor fee that the Town has implemented on some projects to make sure there is a third party out there to make sure things are done correctly. They have done this with other projects that are sensitive to the neighboring community. They would be open to those protocols to be sensitive to the neighbors.

Chairperson Drummond asked if 2400 cubic yards of fill is what they think will need to be brought in. Mr. Stokosa stated it is probably close to that amount. That will require approximately 240 trucks to come in. Mr. Stokosa stated they have taken every measure by making it a three bedroom maximum, redesigning the septic, pushing it up closer and stepping down the foundation. They have tried everything possible to reduce that import. Chairperson Drummond stated that is a lot of trucks. Mr. Ahsan stated it is very hilly property and it is a big size lot but they have very little to work with. There will really be no backyard to speak up due to the slope. Mr. Stokosa stated basically there is a 15% grade in the front yard septic area. One side is rock. The backyard is going to be a foundation and just feathered into the existing grade and the same with the side yard. They really did try to keep the fill tight to the foundation.

Chairperson Drummond asked if there was any additional information they were waiting for. Mr. Stokosa stated he believed that everything they were asked to provide they had done.

Chairperson Drummond stated she wanted to address comments from the letter. She does believe there are some inaccuracies listed in it. Parcel access is a very limiting way to use for calculations. Mr. Stokosa stated before they started the process he verified with the engineer that it was an actual field survey as they had to get their health department approvals. There may have been some confusion during the minutes. The Health Department approved the wall location in proximity to the septic. They didn't necessarily say go ahead and build it. That is a separate aspect. Chairperson Drummond stated

they do not have that authority. They cannot supersede the Town's ability to issue a permit for a retaining wall.

Chairperson Drummond asked if there was anyone present to speak for or against this application. There was no one.

Chairperson Drummond stated there was no one present to speak, and they did address the letter that has been brought to their attention. At a minimum they need to close and reserve.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to close his Public Hearing and reserve their decision. Voted and carried unanimously.

Public Hearing 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.

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

Chairperson Drummond stated they had an opportunity to review this application last month. This is the applicant's law office and the caretakers area has been on the 1st floor since 1990. Traditionally, a caretaker's space is on the 2nd floor but for whatever reason it was put on the first floor. It is a one bedroom apartment but they do not have the square footage. Mr. Healey stated he did submit a drawing last time but he does not remember the square footage. Chairperson Drummond stated there is a minimum square footage size for an accessory apartment. She asked if the law office was going to continue to be on the 1st floor and Mr. Healy stated yes. He said when you are standing on Route 52 looking east the law office is on that level and then it goes downstairs. Chairperson Drummond stated

they were also told last month that he has additional property in the area that is a multi-family unit that the caretaker would have some responsibility of. Mr. Healy stated no. On the right is the Mexican restaurant that used to be Tina's Bar and Grill and that is a multifamily unit and on the left there is an antique dealer. He does not own any other property in the area. Chairperson Drummond asked if this caretaker would have direct responsibility to take care of the property on Route 52 and Mr. Healy said yes.

Chairperson Drummond stated they are not making any external changes or renovations to the building itself. Mr. Healy said no. Chairperson Drummond stated they are just cleaning up the fact that this apartment has existed for 35 years and they are making it right.

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.

Muhammad Ali stated he owns the property across the street. He asked if anything on his property would be in this applications way. Chairperson Drummond stated no. There is no construction happening and nothing is going to change. The apartment already exists there it is just not legal that it is there so they are correcting that. All they are doing is giving approval to keep that apartment there. The person living there will have responsibilities to take care of the property. They will not see any physical changes.

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

APPEAL NUMBER:	4164
APPLICANT:	Frank Healey
NAME OF PROJECT:	Request for a Special Use Permit pursuant to Section 194-87 of the Town Code for a care-takers apartment.
LOCATION:	4069 Route 52, Holmes (the “Property”)

EAST FISHKILL ZONING BOARD OF APPEALS_____ JULY 28, 2026

TAX MAP NUMBER: 6755-04-540369

ZONING DISTRICT: B-1

Resolution offered by Zoning Board Member: Alberto Partore

WHEREAS, Frank Healey (or the "Applicant"), residing at 6 Healy Lane, Stormville in the Town of East Fishkill, designated as Appeal No. 4164 applied for a Special Use Permit pursuant to Section 194-87 to permit a care takers apartment in the office/business known as "Healey & Healey Attorney at Law"; and

WHEREAS, the subject Property is designated on the Town of East Fishkill Tax Map as Parcel No. **6755-04-540369**; and

WHEREAS, the Property is located within the **B-1 Business Zoning District**, where caretaker apartments may be permitted by Special Use Permit pursuant to Section 194-87 of the Town Code; and

WHEREAS, the Applicant proposes to establish a caretaker apartment accessory to the principal commercial use located upon the Property; and

WHEREAS, the Applicant represented to the Board that the proposed caretaker apartment shall be occupied solely by an individual responsible for the maintenance, care, supervision, operation, repair, and security of the Property and its improvements; and

WHEREAS, the Applicant further represented that:

1. The caretaker apartment shall remain accessory and subordinate to the principal commercial use of the Property;
2. The apartment shall not be leased, rented, or occupied as an independent dwelling unit;
3. Occupancy shall be limited exclusively to a bona fide caretaker responsible for the maintenance and operation of the Property;
4. The caretaker apartment shall remain in compliance with all applicable provisions of the Town Code; and
5. The proposed use shall remain consistent with the purposes of Section 194-87.

WHEREAS, Section 194-87 authorizes the Zoning Board of Appeals to issue a Special Use Permit for a caretaker apartment where the Board determines that the proposed use is compatible with the surrounding area and consistent with the purposes of the Town Code; and

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

WHEREAS, this action constitutes a Type II Action pursuant to the 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 Southern Dutchess News on July 22, 2026; and

WHEREAS, the Board finds that the proposed caretaker apartment:

1. Will remain accessory and subordinate to the principal commercial use;
2. Will provide for the ongoing maintenance, security, and proper operation of the Property;
3. Will not adversely impact neighboring properties or the surrounding area;
4. Will not function as an independent residential dwelling; and
5. Is consistent with the purposes of the Town Zoning Code and the protection of the public health, safety, and welfare.

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

RESOLVED,

1. The caretaker apartment shall be established and maintained substantially in accordance with the application and representations made to the Board.
2. **This Special Use Permit is granted solely and exclusively for occupancy by a bona fide caretaker whose primary responsibility is the maintenance, care, repair, supervision, operation, and security of the Property. The caretaker relationship is the essential basis upon which this Special Use Permit is granted.**
3. **The caretaker shall be employed by, retained by, or otherwise under the direction and control of the owner or operator of the principal use located upon the Property and shall actively perform the maintenance and caretaker responsibilities associated with the Property.**
4. **The apartment shall not be occupied by the owner, members of the owner's family, tenants, guests, or any other individual who is not actively serving as the caretaker responsible for maintaining the Property.**
5. **The apartment shall never be leased, rented, licensed, transferred, or otherwise used as an independent residential dwelling or second dwelling unit.**
6. **Should the caretaker cease performing the maintenance and caretaker responsibilities for the Property for any reason, occupancy of the apartment shall terminate within thirty (30) days unless another qualified caretaker assumes both occupancy of the apartment and the caretaker responsibilities.**
7. **Any occupancy of the apartment by an individual who is not actively serving as the caretaker responsible for maintaining the Property shall constitute an immediate violation of this Resolution and Section 194-87 of the Town Code. Upon such violation, this Special Use Permit shall automatically become null and void without further action of the Zoning Board of Appeals, and the caretaker apartment shall immediately cease to be a lawful use of the Property.**
8. Any expansion, enlargement, or material change in the approved use shall require further review and approval by the Zoning Board of Appeals.
9. The Applicant shall comply with all applicable provisions of the Town Code and all applicable federal, state, and local laws and regulations.
10. The Building Inspector and Code Enforcement Officer shall have the authority to verify continued compliance with this Resolution, including requiring documentation demonstrating that the apartment continues to be occupied by a qualified caretaker responsible for the maintenance and operation of the Property.
11. This approval shall remain valid only so long as the caretaker apartment is continuously maintained in strict compliance with this Resolution and Section 194-87 of the Town Code.

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 Rd., Stormville, requesting a Special Use Permit and requiring a site plan, Pursuant to Section 194-132.

Chairperson Drummond stated at the last meeting they directed Clerk Keenan to get in touch with this owner because they were concerned that too many months had passed with no action and no information from him. She has heard from him and he wishes to continue with this application. He has had an ongoing medical issue that he has had to deal with. They will continue this application for a little bit longer and hope that he returns soon with the additional information they have requested.

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.

Chairperson Drummond stated at the last meeting they directed Clerk Keenan to get in touch with the applicant. She has tried. Mr. Rickett has also tried and no one has gotten any response from him. She is requesting that the Board make a motion to consider this application to be abandoned being as they have not seen or heard from this applicant since their March meeting. This has been four months with no response whatsoever with multiple attempts to contact him via emails and phone calls.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to Consider this application abandoned. Voted and carried unanimously.

Discussion – 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.

Chairperson Drummond stated with a 900 square foot home he would be allowed a 750 square foot garage. The fact that he is proposing is 624 square feet is not a size issue. The issue is that it is a second detached garage and it requires a sideline variance as well. The requirement is to have 25 feet so she needs to understand why he needs a new garage only two feet from the property line. Mr. Colacino stated the existing garage does not accommodate their vehicles. He and his wife both Dr. SUVs and the original structure was built in the 50s and it is unusually designed and it narrows and there are separating walls inside. Due to the height you cannot fit those vehicles into that garage. Chairperson Drummond asked how many bays were in the existing garage and Mr. Colacino stated it is a small two bay garage. Chairperson Drummond stated that garage is only 1.7 feet from the property line. It is all the way in the back of the property. There is a long asphalt driveway leading all the way back there. She asked why the

new garage needs to be so close to the property line. She asked why it can't be in the curve or further up close to the house or even on the other side. She does see where the well is located. The septic is not marked on the map. Mr. Colacino stated he is trying to preserve the green space they have in the backyard. It makes more sense to him to have it where the shed and the other garage is where there is already an existing part of the driveway. Chairperson Drummond stated the shed does not belong where it is. It is only 4.1 feet from the property line. It is supposed to be 15 feet from the property line. Mr. Colacino stated all of those structures were built before they purchased the home over 32 years ago. Chairperson Drummond stated that is before zoning was in place. Chairperson Drummond stated he is proposing to put this even closer to the property line than the shed. Mr. Reis stated the depth of the new garage is 24 feet deep. If they go any further out towards the driveway to give more separation between the properties it is going to infringe on the ability to be able to move another vehicle into the existing garage. He does have a classic vehicle that he stores and he will not be able to make the turn into the first bay. At that point the first bay would be useless. Chairperson Drummond stated first off there are no measurements on the plan other than showing how far off the property line these are. There are no measurements for the rest of the structures so she does not know how big it is or how large the shed is or how large the existing garage is. She does understand that a 24 foot garage is perfectly appropriate size wise there are no measurements to see that. The survey needs to be updated to have those measurements on it. Mr. Reis stated at one point all three bordering properties were all part of 1 parcel. Then they got subdivided and that is why the property lines are so close to where everything was built. Where he is situating it now it will be for ease of use with the driveway instead of having to redesign it. It also works best to keep it out of sight from the roadway and the neighboring properties because it is in a relatively well screened area. Chairperson Drummond stated they have no sense of what the property looks like as there is no tree line shown. It does show a wire fence. It also looks like the neighbor's driveway is very close so it makes it seemed like the neighbor's house is pretty close to the property line on this side. This might be impactful to the neighbor. Mr. Colacino stated his neighbor is aware of this and has given a letter in favor of this as well. Chairperson Drummond stated that is very helpful.

Chairperson Drummond asked for a description of the actual structure. Mr. Reis stated it will be 24 by 26. It will be a steel building construction. He has spoken with the company that will be erecting the building. All of the metal siding will be laid horizontally versus vertically so it doesn't look as commercial. They will match the colors of the building to the existing home. It will have blue trim and white siding. It will be a single 16 by 10 garage door on the entry coming from the driveway side. There

will be a side entry door on the left hand side. The building will also have spray foam insulation and everything inside will be closed off and sealed. There will be an HVAC system in there because he does do work on his own vehicle. Chairperson Drummond asked how tall it would be. Mr. Reis stated it will be 14 foot ceilings. With the metal roof it will probably be approximately 16.5 to 16.8 feet to the top of the roof. It will have no second floor. It will be fully open. Eventually down the line he might put a lift in so he can work on his own vehicle. Chairperson Drummond asked if there would be electric or plumbing in the building. Mr. Reis stated there would be electric but no plumbing. Chairperson Drummond asked why there would be an AC unit in the building. Mr. Reis stated if he is working on a vehicle inside during the summer time he would like to be able to have the doors closed and still have some air flow. In the winter time going outside to a metal building would be very cold even if it is insulated because the floor will still be concrete so that would keep it somewhat climate controlled. He and his wife are older and would like to not get into vehicles that are ice cold. It will have an electric heat pump and be a standalone like a split duct. It won't be a full blown vented unit. It will be two mini splits. A lot of the mini splits now come with heat pump options.

Chairperson Drummond asked where the septic was. They need to justify why this will be so close to the property line because otherwise someone else will come in asking for the exact same thing because they gave a variance on this. Mr. Colacino stated the septic is on the driveway side next to the house on the side. As you pull into the driveway it is between the driveway and the house on the right hand side. Chairperson Drummond stated that does not help his case. If the septic was in the backyard he wouldn't be able to put the garage on the fields but that is not the case. She asked about the topography in the backyard. Mr. Reis stated the open space in the backyard has very large old massive tree with huge overhanging limbs. He is looking to do the least damage to the tree and the tree root system. He does not want to rip up something that was put in hundreds of years ago. They're going off to the side as the other two buildings have already been there and no one has had an issue with them. If they put it in the middle of the backyard he basically has no backyard at that point. He would have a little bit on the side and it would be more visible from the roadway. With it where they're proposing the house will basically block the building from view on the road and there is a tree line that will block it on the other side.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Limitone asked what kind of trees were between the proposed garage and the neighbor’s driveway. Mr. Colacino stated it is maples and some evergreens. There was also an existing shed on their side That was

just taken down but they will probably be replacing it so the shed and garage would be back-to-back. He has that structure shown on the previous survey.

Mr. Ahsan asked how soon they could provide the measurements for all of the existing structures. Mr. Reis stated he could have them provided by closing tomorrow. Mr. Limitone asked that the septic be marked out as well. Mr. Ahsan stated within the next week or so would be fine.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for August 25, 2026. Voted and carried unanimously.

ADJOURNMENT:

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the meeting at 8:31 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary