Town of East Fishkill

ZONING BOARD OF APPEALS

September 22, 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; Matt Rickett, Zoning Administrator; and Jackie Keenan, Clerk.

Chairperson Drummond led the meeting with the Pledge of Allegiance.

CHAIRPERSON'S COMMENTS:

Chairperson Drummond stated item number 3 will not be a Public Hearing. It will be a discussion item and actually be Number 6.

Chairperson Drummond stated the next meetings will be on Tuesday, October 27, 2026, and Tuesday, November 24, 2026.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held August 25, 2026. Voted and carried unanimously.

Chairperson Drummond went through the procedures for the meeting. First is an adjourned Public Hearing. This is an application that was held over from the last meeting. Then are the 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.

ADJOURNED 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.

Brian Stokosa and Greg Elswick were present.

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

Chairman Drummond stated they had been asked to adjourn this application to a date when Mr. Elswick could be present. She stated the application has been before the Board before. They are asking for a garage at the top of the driveway. It will have a garage door up in the front and a garage door off to the side with a covered porch in the back. There was discussion last month about whether that covered porch counted towards the square footage, and it does. The neighbors to the right were concerned about the visibility of this large structure. It is a one-story structure, but it is rather large and they would be looking at the 40 foot side of it. Mr. Elswick stated that was incorrect, and it would only be 30 feet. Chairperson Drummond did ask that he review all of the changes with the Board because at the last meeting they were told numbers that had since changed, and there was a meeting after that with staff. She does believe that things have changed again, but there were concerns from the neighbors about what they would be looking at. They had asked the applicant about whether windows or something could be put in on that side to make it look more residential. There was also concern raised that supposedly it was stated that the applicant was going to be operating some kind of business venture out of this building. They did ask that question a couple of months ago and they were told no but they do have to address the

concerns that come to their attention. She did ask Mr. Stokosa to review with them what is being proposed now.

Mr. Stokosa stated the foundation that they show has a dimension of 29.4 feet wide and 40 feet deep. That would put it at 30 feet long facing the neighbor. Then there is a 12 by 18 covered porch off of the back of it. Chairperson Drummond asked when these plans were dated and Mr. Stokosa stated they were dated August 17th, 2026. Mr. Stokosa stated those are the updates they have in regard to the building's size. They have added some landscaping along the right side looking from Clove Branch Road. Mr. Elswick stated he is going to put shrubbery down the side between his property and the neighbors to the right. Chairperson Drummond stated there is already significant vegetation to the left. He stated it would be small shrubbery because off to the back of the building will be a privacy fence for the pool area. Chairperson Drummond asked about the post and rail that is on the neighbor's property and Mr. Elswick stated that he is 35 feet away from where his fence will be for the pool. He will be utilizing the building as part of the enclosure. Chairperson Drummond asked if the post and rail lines up with where this addition is going to be. Mr. Elswick stated the building will be in front of that. His fence will be for the pool not where their fence is. Chairperson Drummond stated now they will be looking at two fences. She asked if the fence was going to go around the property line or just closer to the pool and Mr. Elswick stated it would be just for the pool area. Chairperson Drummond stated that will not block the garage view. Mr. Stokosa stated the applicant is proposing eight boxwoods along the edge of the structure. Chairperson Drummond stated they only get approximately a foot tall And they grow to possibly 3 feet tall. That is not going to block the view. The neighbors had significant concerns raised about the size of this structure and what they would be looking at. Mr. Elswick stated he could put in some taller shrubbery. He stated he's not opposed to having taller growing bushes there. Mr. Stokosa stated they could take screening into consideration as they move forward in the process. The applicant originally wanted boxwoods along the sides so that's what he depicted.

Chairperson Drummond stated the neighbors raised concerns about the size. She stated last month they had proposed 32 by 40 and it is now 29.4 by 40. Mr. Elswick stated they did add a window schedule. Mr. Rickett stated there is one window shown on the plan. Chairperson Drummond stated there was a proposed elevation of what the neighbors would be seeing. With the window, it does break it up and

makes it look better. She is unsure if the neighbors have had a chance to see it yet. Clerk Keenan stated yes they had. Chairperson Drummond stated the privacy fence looks like it starts at the back of this garage and Mr. Elswick stated that was correct. He stated there would probably be a 2 1/2 to 3 foot jog from the end of the building outwards.

Chairperson Drummond asked Mr. Stokosa how far in from the property line the garage was and Mr. Stokosa stated it is 32 feet at its closest point. Mr. Elswick stated the fence is the closest point. He stated they are still 7 feet in from the minimal set back. Chairperson Drummond stated that is not the issue. The size is what it is.

Chairperson Drummond asked what the color of the garage would be. Mr. Elswick stated it will be a 2 tone grey. It does not match his current home. He stated that will be getting done next year and will be a little different color scheme. It will be a darker color.

Chairperson Drummond asked why he needs this size. She stated there is a room in the back that will be a changing room and it appears to be a very large changing room. Mr. Elswick stated there are two rooms. One will be a changing room that will be approximately 8 x 8 or 8 x 10 and then there will be an 8 x 8 or 8 x 10 room for his filter equipment. Chairperson Drummond stated one looks like it is 8 foot 4 inches by 23 feet and the one in the back looks like it's 19 feet by 23 feet 8 inches. The larger one is the one that is closer to the pool, which would make sense for it to be the changing room. She stated 19 by 23 is a very large changing room. Mr. Rickett stated the changing room is 8 by 8. The second page has the breakdown of the rooms. Chairperson Drummond stated that really does give him two very large garages. Mr. Elswick stated the sole purpose for the depth from front to back is because one of his trucks is 23 feet long. The truck that he uses for work has a rack on it and he would like to be able to bring them both inside in the winter. He can also keep his equipment and supplies in there as well. Chairperson Drummond asked what equipment and supplies would be in there. Mr. Elswick stated from his jobs. It would be leftover material from finished jobs. It would be a storage area for overages. If he had a sheet or two of drywall leftover from a job it would be kept there. He stated the shed is going to be taken out. That is holding lawn equipment and his household stuff and that will go in this garage. He stated there was also a shed further out in the backyard and eventually that will go as well once he gets everything situated. He will not have any other outbuildings except this one.

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

Mr. Ahsan asked when the sheds would be expected to be taken down. Mr. Elswick stated the secondary backyard shed would probably be gone within the next year. Mr. Ahsan stated he wanted it to be on the record that they would be gone in the maximum time of one year. He stated the applicant sent a letter to the Zoning Board dated September 8th. He stated the letter limits the applicant to what will be placed into the new garage based on the attached list. He would like to make that part of the record as well. Chairperson Drummond stated that she wanted to read his letter so it is part of the record as his statement of intent for the contents and use of the garage. In the letter it states the intended use of the proposed detached garage that he is currently seeking a zoning variance for. It states that he is a home improvement specialist and he requires a secure space to store his work tools and professional equipment. He will also use a portion of the garage to keep an overflow of job materials that do not fit at his active worksites. In addition to the storage, the detached garage will serve several personal and private purposes for his household. It will house his personal vehicle. It will serve as a pool equipment storage space. It will act as a protective enclosure for their personal pool items. He wanted to explicitly clarify that at no time will this detached garage be used as a storefront, commercial showroom, or public business office. The structure is strictly for his own private personal and storage use. It will not disrupt the residential character of the neighborhood. Chairperson Drummond asked Mr. Rickett for a definition of what operating a business is considered. She stated she does understand this is not a retail operation, which is a different definition. They are not talking about retail but about operating a business here. Mr. Rickett stated storage of material from jobs is considered operating a business. Chairperson Drummond stated that is the concern that they have. If the applicant is storing materials here it is being used as a function of his business. Mr. Elswick stated he is utilizing his space rather than paying rent someplace. It will also improve his property at the same time. Mr. Rickett stated the applicant is in a residential zone not a commercial zone. That is the concern. Mr. Elswick asked if keeping extra pieces of trim work or sheetrock that are leftover that can be used at another job site creates it as a commercial use. Chairperson Drummond stated it is, and the the trucks going in and out. Mr. Elswick stated it is just him. Chairperson Drummond asked where he would be taking delivery of equipment for different jobs. Mr. Elswick stated that gets done at the job sites. Mr. Rickett stated so it would just be leftover material stored in the garage so it is more of a contractor's storage yard. Those can become quite large and extensive. Chairperson Drummond stated that is what they are concerned about. Mr. Elswick stated it

would not be stored outside. It is only parts and pieces. Mr. Limitone stated it does not sound like it will be a lot just a few pieces of sheetrock or trim and molding that will be stored in a garage. Chairperson Drummond stated it is a significant space and has the potential to store quite a bit of material. She stated that is the concern here. Mr. Elswick stated it would not be hazardous materials. Chairperson Drummond stated that is not the concern. Mr. Ahsan stated one of the issues that they have is there is no limitation to quantity. Mr. Elswick stated there is not that much room for storage once he puts his trucks, equipment, and personal items in there. Chairperson Drummond asked how any vehicles were going to get access to the second garage door. Mr. Elswick stated it none. That is for him to drive his lawn mower in and out. Chairperson Drummond stated what they always mention is that it is not just this applicant's use of the building and what his proposed use is. Once this is built, the next person who owns this property could decide that it is big enough to operate a business out of. That is part of the issue because it is such a large space. She does understand if it was all needed for a second vehicle on the other side and she thought at one point that is what they were told. Mr. Elswick stated two can go in from the front. He can pull one truck in by pulling his smaller truck in diagonally and the bigger truck will still fit. And that would really only be in the winter time so he does not need to dig it out from snow. Mr. Limitone asked if there was enough room to pull a vehicle in towards the left as he is describing. Mr. Stokosa stated there is a 20 by 12 foot area on the diagonal. If it is a smaller secondary truck it could probably make the turn in there. It is not optimal but would probably only be done once in a large snowstorm occurrence. It would not be for every day in and out.

Mr. Limitone stated that the boxwoods are small and the applicant will need to put in something closer to a Green Giant arborvitae. If the neighbors are concerned about seeing the house the boxwoods, although they look nice in front of a house, will not hide anything. He stated the Green Giant ones are the best because the deer will eat the other ones. Chairperson Drummond stated those can grow between 8 and 12 feet tall. Mr. Limitone stated a Green Giant can get up to 40 feet and they are fast growing. They can be purchased at 12 or 15 feet tall. He stated if they were placed 5 to 6 feet apart they would grow and nicely to cover it and they should be purchased at a good size. Chairperson Drummond stated they would not need to be purchased fully grown as they do grow fast. But he would need a decent size.

Chairperson Drummond asked if there was anyone in the public to speak for or against this application. Martin and Loretta Banyard live in the house to the right of this application and they are concerned about the size of the building and exactly what they will be looking at. She does not understand the need

for a building there since there is enough room in the driveway for an additional 2 car garage. The existing house is a raised ranch and there is plenty of room there for an additional 2 car garage. There is also plenty of room for a pool house out by the pool. She stated her second concern is what she will be looking at. She stated that although she likes the neighbors she does not feel that he takes care of his backyard. Every wall that is out there has junk piled up against it. Underneath the deck there are bags and bags of stuff that has been there for more than three years. The pool shed has ladders along the side of it. In the back there is old dog kennel fencing that is leaning against the back that has been there for years. Across the existing patio is all kinds of plastic things that the kids had when they were little. They don't even touch that stuff and it has been there for years as well. Her concern is that this 30 foot long building, which would look beautiful if it was going to look exactly as it does on that board, is not going to look that way in reality. Mr. Banyard stated the building is 29 feet long with an 11 foot patio off of the back. So it's back to the 40 feet long again. His concern is also his property value. His second concern is this is a residential area and his third concern is that what he read in the Town Zoning Ordinance is that there is only supposed to be a certain amount of square feet allowed for a garage. It should be no more than 60% of the footprint of his house. This garage will be almost 91% of his house so it is like putting a second house on the property. His concern is that his property value is going to go down and this is just too big.

Chairperson Drummond asked if the neighbors had heard the discussion regarding the landscaping. Mr. Banyard stated there is plenty of room for landscaping along that side. Chairperson Drummond stated there would be a privacy fence in the back so they would just see the roof but not the covered deck. If he puts the arborvitaes in, which can grow to 40 feet high, that could be significant screening. She stated one neighbor on Clove Branch just put in a whole line of arborvitaes in the front of their home so that could give them some sense of what it could look like. Mr. Banyard asked if he decides, five years from now, that he needs to put a building in his backyard the same size as this garage, would he get approval for it. He does believe this is going against what is written down in the zoning codes.

Mr. Stokosa stated he does feel with the proper screening it will address a lot of the issues in response to the neighbor's concerns. He does feel that arborvitaes spaced properly with the certain size plants in the beginning will be good. They usually grow 2 to 3 feet a year so in a short period of time there would be a pretty good wall of green separating the two properties. He does believe the applicant is on board with that idea and that it should be something they figure out tonight while the neighbors are here. They can

figure out exactly where the neighbors would like to see those on the plan. He does believe spacing wise they should be every six to eight feet apart. That will allow them room to grow without suffocating themselves. Chairperson Drummond asked Mr. Elswick if he is agreeing that arborvitaes is the more appropriate choice. Mr. Elswick stated he is not opposed to putting four or five trees down the side. Chairperson Drummond stated they will need at least 7 trees spaced every six feet apart. Mr. Stokosa stated he believes 7 is doable. Chairperson Drummond stated she does understand the fence will block what is happening on the patio but they are still looking at the roofline. It is still significant.

Chairperson Drummond stated they also have to be very clear on the business use. It is not allowed. It is a residential neighborhood and a residential property. There cannot be any business use here and it needs to be on the record. Mr. Elswick stated how can his equipment be there but a few pieces of drywall can't be. Chairperson Drummond stated his truck could be there but he should not be storing materials related to jobs for his business on his property. Mr. Elswick asked about the tools that do the jobs. Mr. Rickett stated if it is inside the garage that is one thing. They did hear the neighbors say that there are ladders in the yard. Mr. Elswick stated the ladders are on saw horses in the backyard because he doesn't have anywhere to put them. Mr. Stokosa suggested putting in a provision that any tool storage is always undercover inside the garage to prevent it from being seen. Chairperson Drummond stated not just undercover, because there would be a large, covered patio area. Mr. Elswick stated the panels were inherited with the house from his wife's parents. They are stacked up on the opposite side of the shed from the neighbor's view. Chairperson Drummond stated it is not up to this Board to shepherd and make sure that the property is not used for business. She wants it on the record that it cannot be used for business. Mr. Stokosa suggested putting a note on it stating that there should be no bulk storage on site. Chairperson Drummond stated that will definitely go in there.

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

> **MOTION** made by Aziz Ahsan, seconded by Rocco Limatone, to close this Public Hearing and reserve their decision until a future meeting. Voted and carried unanimously.

Chairperson Drummond stated they have 62 days in which to make their final decision. She stated they will hopefully have it for next month because she's not sure if the November meeting is more than 62 days away.

PUBLIC HEARINGS:

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. and John Jackson were present.

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

Chairperson Drummond stated this applicant has been here before. Since 2008, they have been operating a soil mining operation. This has had not just the Town's review and inspections, but periodic inspections with New York State DEC as well. This is a fully permitted use and it is a seasonal business. There are times when it is busier than others. It pretty much closes down for the winter. Mr. D. Jackson stated during a mild winter it has been open the whole time. Last winter they were down for several months.

Chairperson Drummond stated two months ago Mr. Rickett went and did an inspection on it to make sure it was operating as it is supposed to. There have been no complaints from neighbors that they have heard of.

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

Chairperson Drummond asked if there was anyone in the public to speak for or against this application. Theresa Daley stated she lives at 155 Jackson Road. She stated she is for this extension and has no objections.

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

APPEAL NUMBER: 2216

APPLICANT: Shenandoah Farm, LLC

NAME OF PROJECT: Two-year Soil Mining Special Permit Renewal Pursuant to Section 194-75 of the Zoning Ordinance

LOCATION: 269 Jackson Road, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6555-00-135831

ZONING DISTRICT: R-1 and R-3

Resolution offered by Zoning Board Member: Aziz Ahsan

WHEREAS, the Applicant was first granted a Soil Mining Special Permit on July 8, 2008 pursuant to Section 194-75 of the Zoning Ordinance for Land Excavation and Filling; and

WHEREAS, the special permit was most recently extended through October 27, 2026; and

WHEREAS, the New York State Department of Environmental Conservation conducted an inspection of the Property on August 5, 2026, and determined that the operation was in full compliance with applicable DEC requirements and permit conditions; and

WHEREAS, inspection reports issued by the Town of East Fishkill Zoning Department dated August 21, 2024 and August 24, 2026 likewise indicate that the Property and soil mining operation were in full compliance with the applicable requirements of the Town Code and the conditions of the Soil Mining Special Permit; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on September 22, 2026; and

WHEREAS, the Legal Notice was published in the Southern Dutcheess News on September 16, 2026; and

WHEREAS, this is a Type II Action under the State Environmental Quality Review Act ("SEQRA") and no further review is required;

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby

Grants the Applicant's request for a two-year renewal for a Soil Mining Special Permit pursuant to Section 194-75 of the Zoning Ordinance subject to the Applicant obtaining a renewal for the Special Permit in two years and all conditions from prior Decisions & Orders remaining in effect. In addition, the Special Permit shall only be effective so long as the Applicant has all of its required permits from the New York State Department of Environmental Conservation ("DEC").

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

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 and Juan Barbecho were present.

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

Chairperson Drummond stated they reviewed this application last month. The applicant explains that it is a 9.1 acre parcel. The property goes back 800 feet from the road so it is pretty deep. It has a 12 to 15% grade. They do have DEC and New York City DEP approvals to build on this. The house is going to be toward the front of the property minimally meeting the setback requirement because of the steepness of the property. They need this fill to be able to build the house and put a driveway on it and somewhat of a usable yard. She asked how big the footprint of the house would be.

Ms. Marino stated this will be a 2900 square foot house. It will be 4 bedrooms and a the garage. She did not have the exact square footage for the footprint, but she could get it for them. Mr. Barbecho stated it would be approximately 34 by 50. Chairperson Drummond stated the footprint would be bigger than the second story. She stated this request was necessary for this lot to be able to be built on.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Ahsan stated there was a memo from Rennia Engineering dated September 10th. He asked if Mr. Rickett had a chance to review it. Mr. Rickett said no. Mr. Ahsan asked if the recommendations would be part

of the resolution. Attorney McLaughlin stated most of it was incorporated prior. She and Mr. Rickett only saw this memo tonight but they had already included some of the recommendations. Mr. Ahsan's recommendation would be to close and reserve to make sure that all of these recommendations are included in the resolution. Ms. Marino stated she has not received a copy of the letter yet. She reviewed it and stated most of these issues have been addressed. This set of plans that includes them have been sent to Engineer Bryant for his review and they can also be sent to the Zoning office and Rennia Engineering as well. They did send an erosion control plan already.

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

Adrienne Menken lives at 507 Stormville Mountain Road. She stated their home is in the back. She is concerned about how the fill will be affecting the wetland and the waterway down below that goes into the stream. She does believe it goes to the reservoir. She wanted to know if it will be clean fill and certified. She asked if this would be fill coming from another job or work site. She asked where the runoff and drainage would be going, as well as where the septic would be. She wants to make sure it would not affect the conditions that are already there. Chairperson Drummond stated one of the conditions of the Town for anyone bringing any fill in is that it needs to be clean fill and shall contain no garbage, construction debris, contaminated material, deleterious material, or other material prohibited by applicable Town and Federal law. They will get tickets for each load of fill that will come in regarding where it came from and what it is made up of. There is a responsibility on the applicant's part to make sure that all of the fill stays where it is supposed to stay and does not impact any wetland or anything downstream. The fill that is brought in for the septic is not part of this. There are still requirements for what kind of fill can get brought in for septic. There is a limit on how many trucks a day would be allowed to be brought to the site. She does believe that they will also be asked to put up an escrow so that the Town will have an inspector that will go out regularly to make sure they are complying with all Town, Federal, and State laws as well. Ms. Menken asked how many trucks a day could come in and Chairperson Drummond stated it is a maximum of 12 trucks a day. There are also limitations as to what hours they are allowed to come back and forth. It is 8:00 AM through 4:00 PM Monday through Friday. There will be none on weekends. Ms. Menken asked why the fill was needed. Chairperson Drummond stated because of the grade of the property this allows them to put in the house and have a small usable yard and a driveway. Ms. Menken asked where the septic would be located and Chairperson Drummond stated it would be off to the right. The driveway is to the left and the well is in the back on the left. Mr.

Limitone stated the septic and the well are very well regulated as to where they can go and the distances required between them. Ms. Menken stated a long time ago trees were cut down and everything went into the wetlands and into the DEC stream. It blocked the flow. She stated when they get a steady rain flow the stream flows but in the summer it kind of dries up. She does know that water does go to the reservoir. Chairperson Drummond stated there would be erosion controls in place so it should not be leaving the site. Usually after major storms the town will send out someone to check to make sure the erosion control is still in place. Ms. Menken asked if this was a normal size house and Chairperson Drummond stated a four bedroom house is pretty standard. They do not know the exact dimensions. Mr. Rickett stated that a 34 x 50, which would be 1700 square feet. The garage looks like it will be a two car garage. Chairperson Drummond asked how far away this applicant's house was. Mr. Menken stated they have a 1000 foot driveway. They are way back in the woods.

Chairperson Drummond asked if Danielle had reviewed the wetland area. Mr. Rickett stated they are quite a ways out of the buffer. Chairperson Drummond stated she did find a note on the plans that stated the wetland is 270 feet away from the fill area. They are staying very clear of the wetlands. They are 170 feet away from the 100 foot buffer. Ms. Menken asked if they needed to be concerned when trees come down into the stream. She knows they will break down on their own eventually. Chairperson Drummond stated that is beyond the scope of this Board. There will definitely be erosion control measures put in place so the fill stays where it is supposed to be.

Chairperson Drummond asked if there were any other questions or comments from Board members. There were none. She asked Attorney McLaughlin if she was comfortable that all of the requirements are in the resolution. She stated she has reviewed the resolution as written and Section B and Section I cover what the recommendations in the memorandum are.

Ms. Marino verified the footprint would be 1450 square feet.

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

APPEAL NUMBER: 4166

APPLICANT: Juan Barbecho

NAME OF PROJECT: Application for a Special Permit to bring in 816 additional cubic yards of fill (total of 1,191 cubic yards) pursuant to Section 194-75 of the Town Code

LOCATION: 495 Stormville Mountain Road, Stormville

TAX MAP NUMBER: 6755-01-185860

ZONING DISTRICT: R-3

Resolution offered by Zoning Board of Appeals Member Aziz Ahsan

WHEREAS, the Property that is the subject of this application is located at 495 Stormville Mountain Road in Hopewell Junction (the "Property"); and

WHEREAS, the Applicant is building a new single-family home; and

WHEREAS, the Property is approximately nine (9) acres and;

WHEREAS, due to the topography of the Property, the Applicant's engineer designed plans to raise the yard to diminish the slope; and

WHEREAS, the Applicant is allowed to install 375 cubic yards of additional fill each year without needing a Special Permit; and

WHEREAS, the amount of fill needed by the Applicant requires the Applicant to obtain a Special Permit from the ZBA; and

WHEREAS, a Stop Work Order (C-26-178) dated August 24, 2026 was previously issued with respect to work conducted on the Property, and the applicable Stop Work Order fee remains due and owing to the Town; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on September 16, 2026; and

WHEREAS, the Zoning Board of Appeals ("ZBA") held a Public Hearing on September 22, 2026;

WHEREAS, after reviewing the application, the plans and materials submitted by the Applicant, the comments of the Town's professional staff and consultants, and the testimony and evidence presented

during the Public Hearing, the Zoning Board has determined that the application satisfies the applicable requirements of Section 194-75 of the Town Code.

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

1. This action will not result in a significant adverse environmental impact, and therefore, the ZBA issues a Negative Declaration pursuant to the State Environmental Quality Review Act ("SEQRA"); and

2. This 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 in 816 additional cubic yards of fill (total of 1,191 cubic yards) pursuant to Section 194-75 of the Town Code, subject to the following conditions:

a. All fill shall be placed substantially in accordance with the plans approved by the Zoning Board of Appeals and any revisions required by the Town Engineer or other authorized Town professional;

b. Prior to the importation of fill, the Applicant shall submit any additional grading, drainage, erosion-control, or dust-control information required by the Town Engineer, and such information shall be subject to the satisfaction and approval of the Town Engineer;

c. All fill imported onto the Property shall constitute clean fill and shall contain no garbage, construction debris, contaminated material, deleterious material, or other material prohibited by applicable Town, State, or federal law;

d. The Applicant shall be responsible for ensuring that the source and composition of all fill comply with all applicable requirements of the Town of East Fishkill and the New York State Department of Environmental Conservation;

e. No more than twelve (12) truckloads of fill may be delivered to the Property on any one day;

f. Fill may only be delivered to and placed upon the Property between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday;

g. No fill deliveries or placements shall occur on Saturdays, Sundays, or legal holidays;

h. The Applicant shall maintain the Property and adjoining roadways free from excessive dust, mud, dirt, debris, or other material resulting from truck traffic or fill operations and shall promptly clean any affected public roadway;

i. The Applicant shall take all reasonable measures necessary to prevent erosion, sediment migration, runoff, drainage impacts, or other adverse impacts upon adjoining properties or public roadways;

j. The Applicant shall permit reasonable inspections of the Property by the Town's Zoning Department, Engineer, Environmental Consultant, or other authorized Town representatives to verify compliance with this Resolution and Section 194-75;

k. The Applicant shall establish and maintain an escrow account in the amount of $3500 for the reasonable costs of inspections and professional/environmental monitoring associated with the fill operation; and

l. The Applicant shall obtain a Steep Slopes Permit, if necessary, from the Engineering Department;

m. The authorization granted herein is limited to the importation of 816 additional cubic yards of fill, and any importation of fill beyond the quantity authorized by this Resolution shall require such further approval as may be required by the Town Code.

n. Prior to the resumption or continuation of any work on the Property, including the delivery, placement, grading, or disturbance of any fill authorized by this Special Permit, the Applicant shall pay in full all fees associated with the previously issued Stop Work Order, together with any other outstanding fees required by the Town.

o. The applicant will comply with all recommendation in the September 10, 2026 memo to the ZBA from Rennia Engineering Design, PLLC.

NOW THEREFORE, 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

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

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

Brian Hildenbrant was present.

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

Chairperson Drummond stated for the record that she needs to disclose that the day after the last meeting the engineer for the applicant was a participant in a class that she coaches at CrossFit 845. She did not even recognize him at first. There is no payment for any professional services for classes. There is no conflict of interest but she wanted to make sure this was publicly disclosed.

Chairperson Drummond stated since the last time they met they had a discussion about the fact that there are two properties right next door to each other. One property brought some fill in and the other thought it was OK. They were both just looking to expand use of their property and use of their yard. It wasn't for a septic or additional structures. It was just to be able to have a more usable space within their yard. Driving by on Martin Road, it is so far back on the property that it is not really visible from the road. One of the properties is a little bit more visible where they took down some trees. Realistically where this happened is significantly far back. However someone from the Town did see it as it was happening. For this property all of the fill is already on site. There is no additional fill coming in at this point. She

stated they did get a letter from a neighbor concerned about this, but there is no additional fill coming onto the property.

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

Chairperson Drummond received a letter from Debbie and Lewis Pisani from 51 Carol Drive. They are approximately 250 feet from this applicant's property. She objects to the request for a special permit to bring in an additional 275 cubic yards of fill. She stated that because of the proximity she has an interest in the change in landscape to her backyard view and the surrounding areas. Trees have been cut down removing their privacy and the view of the Creek and its beauty. The yards of fill that have already been approved have brought in many dump trucks at 6:00 AM for weeks. The trees that were taken down now allowed her property to be exposed where there was one tree coverage. She stated the Board should consider and evaluate the cumulative change in the property grade and the completed projects effects on the surrounding properties including drainage, elevation, noise, visibility, and the overall neighborhood character. They have been there for 30 years and understand the need for more cubic feet of 1awn property, but this is more than average and affects their property view and noise directly. The homeowner was outside at night with floodlights well into 11:00 PM working on the property. This directly affects her home. Dump trucks of dirt would be delivered at 6:00 AM with the truck gate banging with each load. It has changed the landscape they have grown to appreciate and for this reason they oppose additional cubic feet of fill. They asked that the letter be entered into the official record and that they be provided with any future public hearing or decision concerning the requested special permit. Chairperson Drummond stated as she has previously stated all of the fill is already on site for this applicant. There is no additional fill coming in. She stated for 275 cubic yards they could have just waited and done 375 this year and 375 next year. She stated she does not believe the additional is out of the realm of reasonable. Mr. Hildebrandt stated he cannot speak to how it was done. There is no further work proposed and it is stable at this point. It's not going to change.

Robert Schukal from 43 Carol Drive asked what the purpose is for the requested additional 275 yards. Chairperson Drummond stated as she has already stated it is not for a specific structure. It was to expand their yard. There is no additional fill coming in. She stated it is considered additional because it is over and above what they are allowed in any one given year. Any property is allowed 375 cubic yards per year. This year they were looking for the additional 275. In this case, it has already been delivered to

the site. Mr. Schukal showed the Board the location of the floodplain and the bridge that was replaced. He stated his property floods as a lot of his property is in the floodplain. His main concern is additional fill being brought in and impacting runoff onto his property. He stated there were trucks coming in constantly. He cannot verify 6:00 AM, but he did notice that all weekend you could hear a skid steer constantly running to spread the fill. Chairperson Drummond asked if there was any additional grading of the fill being done on this property. Mr. Hildebrandt said no. There is grass growing already. Mr. Schukal asked if there was ever a permit previously approved for any fill being brought in on these properties. Chairperson Drummond stated not that she is aware of. Mr. Schukal stated he has lived here for 16 years and these are not the homeowners that owned the homes when he originally moved in. He stated a lot of fill has already been brought in. When all of the leaves are down he can see the properties. There is also a trail that goes to the back of his property where he can even see these properties in the spring and summertime. He stated the bridge replacement they had was supposed to open up the water system and prevent flooding on his property. During heavy rains his property still floods. His concerns are where is the fill coming from and who is monitoring how much is coming in. He asked if it was clean or contaminated filled. He asked if it was going into the floodplain. He stated his neighbors also had concerns but he is the only one who was able to come out. Chairperson Drummond suggested he stay for the next Public Hearing, as that one has additional fill still needed.

Chairperson Drummond asked if there was anyone else in the public to speak for or against this application. There was no one.

Mr. Ahsan stated, for the record and to be clear, the resolution is calling for additional fill but all of the fill has already been brought in and placed on the property and there is no additional fill coming in. Chairperson Drummond stated it is additional to the 375 cubic yards that would be allowed in one year. Mr. Ahsan stated had they waited until next year they could have gotten this additional fill without needing this appeal. Mr. Limitone stated the fill would be coming in either way whether it was this year or next year. Next year they would not have needed to come before the Board. Mr. Schukal asked if that meant every year you could keep getting more and more fill brought into your site. Chairperson Drummond stated yes you are allowed 375 cubic yards of fill per year. Mr. Ahsan stated if they had just waited until next year they would not have had to come for the Board at all. In 2027 they can get an additional 375 yards. Chairperson Drummond asked if it still required a permit for the 375 yards annually and Mr. Rickett said no. Mr. Schukal asked if he brought in 375 cubic yards of fill and it went

into the floodplain who monitors it. Mr. Rickett stated there are no permits required. It is provided by code. He stated they would not know if somebody was bringing it in if they had a floodplain or wetland. There is no special permit required. It is only required if you go over that 375 cubic yards. Mr. Schukal Stated his side yard is in the floodplain. Would it be OK if he started bringing in fill. Mr. Rickett stated he is not saying it would be OK. Chairperson Drummond stated he is getting out of the scope of what this Board is here for. She stated they cannot speak to its total condition, just what was observed.

Chairperson Drummond asked if there was anyone else from the public to speak for or against this application. There was no one.

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

APPEAL NUMBER: 4167

APPLICANT: Nua Nucullaj

NAME OF PROJECT: Application for a Special Permit for retention of approximately 275 additional cubic yards of fill (total of 650 cubic yards) pursuant to Section 194-75 of the Town Code

LOCATION: 127 Martin Road, Hopewell Junction

TAX MAP NUMBER: 6475-02-657690

ZONING DISTRICT: R-1

Resolution offered by Zoning Board of Appeals Member: Alberto Paratore

WHEREAS, the Property that is the subject of this application is located at 127 Martin Road in Hopewell Junction (the "Property"); and

WHEREAS, due to the topography of the Property, the Applicant's engineer designed plans to raise the yard to diminish the slope; and

WHEREAS, approximately 275 cubic yards of fill were previously imported and placed upon the Property; and

WHEREAS, the fill was placed prior to the Applicant obtaining the approval determined by the Town to be required pursuant to Section 194-75 of the Town Code; and

WHEREAS, the Applicant has now applied to the Zoning Board of Appeals for an after-the-fact Special Permit pursuant to Section 194-75 to authorize the retention of the approximately 275 cubic yards of fill previously placed upon the Property and to bring the existing condition of the Property into compliance with the applicable requirements of the Town Code; and

WHEREAS, the Zoning Board of Appeals has reviewed the application, plans, photographs, submissions, and other materials presented in connection with the application; and

WHEREAS, the Zoning Board has considered the location, amount and existing condition of the fill previously placed upon the Property, together with any potential impacts upon drainage, erosion, neighboring properties, public roadways and the surrounding area; and

WHEREAS, an Order to Remedy (C-26-84) dated May 27, 2026 was issued with respect to the fill brought into the Property;

WHEREAS, the Applicant shall be responsible for demonstrating to the satisfaction of the Town Engineer and/or other appropriate Town officials that the fill presently located on the Property is clean fill and that its placement does not create adverse drainage, erosion, grading, stability or other impacts; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on September 16, 2026; and

WHEREAS, the Zoning Board of Appeals ("ZBA") held a Public Hearing on September 22, 2026;

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

3. This action will not result in a significant adverse environmental impact, and therefore, the ZBA issues a Negative Declaration pursuant to the State Environmental Quality Review Act ("SEQRA"); and

4. This application meets the requirements of Section 194-75 of the Town Code, and therefore, the ZBA **GRANTS** an after the fact special permit authorizing the retention of approximately 275 cubic yards of fill already placed upon the Property and pursuant to Section 194-75 of the Town Code, subject to the following conditions:

a. The approval granted herein is limited solely to the approximately 275 cubic yards of fill already placed upon the Property and does not authorize the importation or replacement of any additional fill except as otherwise permitted by the Town Code or pursuant to further approval by the Town;

b. The Applicant shall provide such plans, surveys, grading information, certifications or other documentation as may reasonably be required by the Town Engineer, Zoning Administrator or other authorized Town official to document the location, quantity and final grading of the fill;

c. All fill previously placed upon the Property shall be clean fill and shall contain no garbage, construction debris, contaminated material, deleterious material or other material prohibited by applicable Town, State or federal law;

d. If requested by the Town, the Applicant shall provide documentation or testing sufficient to establish, to the satisfaction of the appropriate Town official or consultant, that the material placed upon the Property constitutes clean fill;

e. The existing placement and grading of the fill shall be subject to review and inspection by the Town Engineer, Zoning Department, environmental consultant or other authorized Town representatives;

f. The Applicant shall undertake any grading, stabilization, drainage, erosion-control, seeding, restoration or other corrective work determined by the Town Engineer to be reasonably necessary to address impacts resulting from the placement of the fill;

g. The fill shall not result in the diversion or concentration of stormwater runoff onto any adjoining property or public roadway, and the Applicant shall correct any such condition identified by the Town Engineer;

h. The Applicant shall permit reasonable inspections of the Property by appropriate Town personnel or consultants for purposes of determining compliance with this Resolution and Section 194-75;

i. The Applicant shall establish and maintain any escrow account required by the Town for the reasonable costs of engineering, environmental or other professional review and inspection associated with this application;

j. Any outstanding application, inspection, engineering, enforcement or other fees required by the Town in connection with this application shall be paid prior to the issuance of final approval or closure of the matter; and

k. Nothing contained in this Resolution shall be construed as authorizing any future placement of fill or relieving the Applicant from obtaining any other permit, approval or authorization required by the Town of East Fishkill or any other governmental agency.

NOW THEREFORE, 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

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.

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

Chairperson Drummond stated similar to the last one, this application had some fill already brought in. She asked Mr. Hildebrandt if they know how much fill has already been brought in and what remains to be brought in. Mr. Hildebrandt stated using GIS they did their best guess analysis. They did not have a previous survey but they went out this year and surveyed. Where they stand today, they are at about 1920 cubic yards of fill that had been brought in. Chairperson Drummond stated she thought that the 1545 plus the 375 is how they got to the 1920. Mr. Hildebrandt stated right now there is a stop work order in place. The slopes are steep and unstable. The plan is to bring in more fill to regrade the slopes so they can plant grass on it. That is an additional 350 cubic yards to finish the job. Chairperson Drummond asked what the total amount of cubic yards brought in every day and Mr. Hildebrandt stated it would be the 1920 plus the 350. Mr. Ahsan stated last month they were told that 375 is from this year and 1545 is what they will need additional for a total of 1920. Chairman Drummond stated they were told last month that not all of it had been brought in yet. She asked if out of the 1545 was the 350 included in that. Mr. Hildebrandt verified on the map that it will be 1920 as a total and that 350 is part of the 1545. Chairperson Drummond clarified that 1920 is then the total and out of that 375 was allowed. Out of the 1545 cubic yards, 350 cubic yards still need to be brought in. The rest has been brought in already. 1195 cubic yards have already been brought in with 350 cubic yards still remaining to be brought in.

Chairperson Drummond asked how many more trucks would be required to bring in 350 cubic yards. Mr. Hildebrandt stated a standard dump truck is 18 to 20 cubic yards. Chairperson Drummond stated that would still be approximately 20 trucks. She asked where the fill is now in relation to the wetlands that are downstream. Mr. Hildebrandt stated they are in the buffer but not in the wetland. Chairperson Drummond asked how far into the buffer they are. Mr. Hildebrandt stated they are approximately 60 feet into the 100 foot buffer. Chairperson Drummond stated that this work was all done before Mr. Hildebrandt was brought into this job. He is trying to get it cleaned up. Mr. Hildebrandt stated his proposed plan is to free grade the slope with the fill that is being brought in. That will keep it from eroding. They will still be out of the wetlands. The intent is to stabilize it and get vegetation to grow. Chairperson Drummond asked if they could move any of the fill that was brought into the buffer. She stated with the wetland and the floodplain you have to worry about storage of water. Instead of having it

flood the neighbors you want to make sure that you have created as much storage area as possible. If you fill in that area it makes less room for water storage. If they were to clear out some of the fill that was put in there rather than stabilizing the rest of it to that grade it would maintain that waterway. Mr. Hildebrandt stated it could be done but it would be difficult because of the slope that is there now. He would be concerned about the safety of bringing equipment down onto that slope and that it would make more of a mess. They would have to create an access road to bring dirt up and grade it and reshape it. He felt the path of least disturbance at this point would be to button up what is there rather than reopen up that slope.

Chairperson Drummond asked if Danielle looked at this one and Clerk Keenan was unsure if she checked for the wetland impact. She does not believe Danielle looked at it extensively, but may have giving it a quick look.

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

Mr. Ahsan asked if they have any idea what kind of fill was brought in. Was it construction debris or materials such as that? Mr. Hildebrandt stated from what he saw it was all clean with no debris. It was just soil. There was no concrete or demolition materials. It is still considered clean fill. Mr. Limitone stated if the Town issued a stop work order. they probably saw the fill that was there. Mr. Rickett stated they saw excessive amounts coming in. Chairperson Drummond stated they did not necessarily see what was in the field just that they saw fill being brought in. Mr. Ahsan wanted it stated for the record that whatever fill was brought in appears to be clean fill and not construction debris or concrete pieces. Chairperson Drummond stated they can only attest to what they could see.

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

Mr. Schukal stated the letter he got was very confusing. He only received a letter from one property and not the other. Chairperson Drummond stated that is because letters get sent out for a specific distance from the home and he is further away from this house. He stated that the letter that was read for the previous application really was for this application. Chairperson Drummond stated that is not the application the author referenced. The homeowner specifically referenced Appeal 4167, which is the prior application, so it was read into the record for the proper application. She stated those concerns might apply to this application as well, but if she wasn't noticed about it she might not be aware of it. Mr. Schukal stated his concerns would be runoff because it is a very steep drop off that goes right down

to the creek. His property goes around and there is a lot of big trees that fell and dammed everything up and have slowed down the water fall so additional runoff will have a negative impact. Chairperson Drummond asked if the dumping of material there caused the knocking down of trees and Mr. Schukal stated no, these are naturally falling trees. He asked if this was basically for aesthetics just to build up their backyard and Chairperson Drummond stated that is their understanding. Mr. Schukal stated if it is mandated that no fill can be brought in over the weekends it can't be monitored because the town offices are shut down over the weekend. Chairperson Drummond stated it does give the neighbors notice that it shouldn't be happening over the weekends. Mr. Schukal asked if they could spread fill over the weekends and Chairperson Drummond stated it is not permitting their ability to do so. Mr. Schukal stated listening to the beeping of the reverse on a skid steer all weekend long is very annoying. He asked if there would be erosion and sediment control and Chairperson Drummond stated they will have to comply with all of the requirements. Mr. Schukal asked if there was a risk of septic failure due to heavy trucks coming in. Chairperson Drummond stated she would hope that they do not have trucks driving over septic fields. Mr. Schukal stated if they drive over it and the septic fails then it is going into the floodplain. He stated these were his concerns.

Chairperson Drummond asked Mr. Hildebrandt how they are going to make sure that this stays out of the wetland buffer and that they will comply with all of the requirements. Mr. Hildebrandt stated right now there is a silt fence up that is being maintained. They do show a new row of silt fence going in first. As far as any restrictions for date and time they will follow them. It is in the homeowner's best interest to get it done as quickly and safely as possible To get grass growing before winter. They do have an erosion sediment planned for the slope that would run through the winter if that is the case. That way they could finalize stabilizing it in the spring. He does know that after speaking with the applicant they want this done and over with so he knows they will be pushing to get it done this season. Mr. Limitone stated he believes the property owner should take into consideration about the noise and working on Sundays. He does believe that is a valid point. Although you are able to do it they should be a good neighbor and take that into consideration.

Mr. Ahsan stated that unfortunately the bulk of the fill is already been brought in. It should be part of the record that it has come in at all different hours without a permit and without all the inspections. Moving forward, the applicant should comply with whatever resolution says. Mr. Hildebrandt will need to pass information on to the applicant so they avoid another stop work order in the future.

Chairperson Drummond asked if they need to have Danielle review this from a wetlands perspective or if they were comfortable with how it was. Mr. Rickett stated they could have her review it. Chairperson Drummond stated it would delay closing it tonight, but she feels they need that information. She feels they need to be clear on what the applicant is and is not allowed to do within the wetland buffer. She stated by not closing tonight they will probably miss the end of the season in terms of seeding. By adjourning it tonight it gives them adequate time to get the report from the Town staff regarding the wetland issues.

Mr. Mahony stated there are three structures on the property line. Mr. Rickett stated this applicant was before this Board about a year and a half ago for variances and all of those structures have a variance. Everything else on the site has been cleaned up.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn this Public Hearing to the October 27, 2026, meeting. Voted and carried unanimously.

DISCUSSIONS:

Appeal 4171 – Michael Illescas & Blanca Quinatocte (6657-03-140160)

Michael Illescas & Blanca Quinatocte, 77 Old Route 52, Stormville, requesting a variance to allow a third dwelling unit on one lot, Pursuant to Section 194-91.

Michael Illescas & Blanca Quinatocte were present.

Chairperson Drummond stated this is the first time they are seeing this application. It is not a Public Hearing it is just for discussion. The applicants purchased this property in 2020. It has two different structures on it. There is a cottage on there that was built in 1948 that has two bedrooms and two baths at 852 square feet. There is also a two-story house built in 1920. Both of these predate zoning. That house is 2054 square feet and has four bedrooms and two baths. She stated her understanding is that there was

a two-story addition being built off of the back of the larger home. She did believe that based on their application the request was to make it an additional bedroom for two dwelling units in that one structure. This is in an area of single family homes and a 2000 square foot four bedroom house is certainly a reasonable size home. She stated they need to understand why they are requesting a third residence on this property.

Mr. Illescas stated one of the bedrooms is very small. When they purchased the house this addition was already there and the roof was leaking. They tried to fix the roof but there was no way to fix it so they took everything out. All of the wood was rotted. He purchased the house as is. They replaced the frame the way that it was. He was listening to his carpenter who suggested putting another room on the second floor because there is a small room on the 2nd floor that he did not consider big enough to be a bedroom it was only 9 feet by 10 feet. Chairperson Drummond stated it meets building code for a bedroom as long as it has an alternate egress and has a 7 foot wall. Mr. Illescas stated it is really small and could be used for an office but they did not feel it was big enough for a bedroom. He stated someone came and issued a stop order on the work and they haven't done anything since. Chairperson Drummond asked if it was a single family home or are there 2 apartments already in this house. Mr. Illescas stated the previous owner turned it into a two family house. They did not do this after they purchased the house. They have separate meters and he stated the inspector, Robert, has all of the records so the Town should have them as well. They put in meters and propane and separate heating systems. Chairperson Drummond asked what the separation was and Mr. Illescas stated each floor is its own apartment and they even have separate mailing addresses for 77, 75, and 73. When they purchased the house they were excited because it was their first investment and they did not do a deep enough check on the property.

Chairperson Drummond asked how many bedrooms are in each apartment now. Mr. Illescas stated they consider it a 2 bedroom apartment on each floor. The small room is being used just for storage. They are using the living room as a bedroom. Chairperson Drummond asked why they don't switch it back to the single family house that it is supposed to be. Mr. Illescas stated they have already closed in everything. The stairs don't connect the two floors anymore and there are two totally separate entrances. There's a full kitchen upstairs. That is how they purchased it. Blanca stated they purchased the house as it is now. There are two bedrooms on each floor and the cottage has tenants in it. This was a cash purchase. The people in the cottage were already there so they didn't have to do anything for that. All of the tenants that are living there have been there prior to their purchase. The previous owner did not mention

anything about doing something that wasn't right. All three residences have their own meters. There is also a landlord meter in the basement. It is an unfinished basement. They didn't think there was anything wrong. When the inspector came out he saw that there was an addition there. It was hanging there and the applicants were not aware it was not supposed to be there so they just extended it a bit and did a second floor. They were just working with what was already there. When Mr. Rickett and the inspector walked in and saw everything inside nothing was said about it. Chairperson Drummond stated this is not an area that is zoned for two family homes. She does understand that these were separated prior to their purchase. This is the opportunity to make it what it should be. There are a few issues related to having an apartment. Number one, if you have an accessory unit which is two units in one structure, the owner of the property is supposed to be living in that building as well. She does not believe that is going to happen. Ms. Quinatocte stated that is not the purpose of it. They have a house in Carmel. Chairperson Drummond stated if they are not living there they are not willing to comply with the Town's Accessory Apartment Ordinance. The house is over 100 years old and it sounds like it needs work. This is the opportunity to bring it back. She does understand the foundation is not in great shape as well. She asked why they don't restore it to the single family, four-bedroom unit that it was. Mr. Illescas stated it would be a lot of work and a lot of cost. They put the full kitchen up on the 2nd floor. They were not aware that what the previous owner did was not right. Mr. Limitone asked if this was done prior to zoning. Chairperson Drummond stated no. The two homes were built prior to zoning. When exactly the 2000 square foot house became a two resident house they are unsure of, but it would have been after zoning. Chairperson Drummond asked if the units were both occupied when the applicant purchased the house and they both said yes. All three units were occupied. Ms. Quinatocte stated they had had the lease for many years so they did not have any concerns about keeping them there. Chairperson Drummond stated because it was a cash purchase no municipal search or title search was done. There is no recourse through a title company because they did not go that route.

Ms. Quinatocte stated they did paint the house when they purchased it. They fixed the lights and bought new appliances. Chairperson Drummond stated that cosmetic changes are not structural changes. It sounds like this house needs some structural work to do, especially if there are leaking units. Ms. Quinatocte stated the leak was on the side. Mr. Illescas stated when they bought the house the leaks were in the addition section. Mr. Rickett stated there is a stop work order and they have to determine what they are going to accept and do with the property before they further evaluate what still needs to be done. Chairperson Drummond asked if it was habitable space right now. She asked if he was concerned

about having someone live there. Mr. Rickett stated he would defer to his colleague Rob who has done more of the inspections. Mr. Rickett was just out at the site one time in March and he is the one who put the stop work order up because there were no permits for the addition going on in the back. Mr. Illescas stated right now everything is exposed and they have not done any work with it. Chairperson Drummond stated she does not think there are any issues with the addition being done, except for it not having a permit. Even though it is a non-conforming use of the property, having two structures on the one property, they are allowed to enlarge that structure up to 50%. Doing the addition itself is not the concern that they have. The concern that this Board has is why is there a third residential unit there. Because there are two structures on the property each one should be a single family residence. She does not see how they can get it to comply. If it is going to be an accessory unit in that one unit they have to live in the other unit. Ms. Quinatocte stated in the future they were thinking about having one of their mothers move into there. Chairperson Drummond stated that is not the owners of the property. She stated when the owners live in the structure they are going to be really careful about the tenants that they choose to make sure that they will be good neighbors. If they are not living there, there is no ready control of the tenants. She stated she does not see how they can allow another apartment in this unit. She is, however, only one person on the Board.

Mr. Mahloney asked if there were two separate structures on the property and Mr. Rickett stated it is one property with two pre-existing non-conforming residents. Chairperson Drummond stated one was built in 1920 and the other was built in 1948. The structure they are discussing now is the one that was built in 1920 as a four bedroom, two bath 2050 foot square foot house. Mr. Limitone stated the former owner converted it into two separate apartments. Chairperson Drummond asked if the former owner lives in one of the units. Mr. Illescas stated no. Chairperson Drummond stated it was definitely done without any permits and without complying with the Town's zoning ordinance. Mr. Ahsan stated they don't know if the kitchen was done prior to zoning. Mr. Rickett stated based on what they saw in March it does not appear to be something that was done in 1963. The finishes and everything in there are newer. Mr. Ahsan stated they could have done it in the 50s and put new appliances in it in the 90s. Mr. Rickett stated it was a one kitchen four bedroom 2 bath house according to the assessor's records. They have no idea when it changed.

Chairperson Drummond stated the only way they could allow this to move forward as second unit in a single structure is to have the owners living in one of those units. This is not a two-family zoned area.

The applicant is telling them they are not going to do that. Mr. Rickett stated according to Section 194-91, there can only be two units on one property. You cannot have three. Chairperson Drummond stated there are multiple issues trying to get a third unit in there. The precedent that they would set with this would not be good. It is not something she is willing to do.

Ms. Quinatocte asked if they did move into the house would that work because they have already invested a lot of money into this. They have put in all new appliances and they spent a lot of money on things already. They borrowed a lot of money to fix up this house. Chairperson Drummond stated if they moved into one of the units that would give them the ability to apply for an accessory apartment but it only meets one of the issues. The second issue with the Town Code is that it prohibits three units on one property. There is a maximum of two residential units on one property. By giving you an apartment in that structure it brings them to three so it is still not allowed. You also could not move in for just a month or two. You would have to be a legal long term resident for as long as you own the property. And as far as she can tell they can continue and build an addition. That is not the issue. The issue is the third residential unit. She stated she is very concerned about setting a precedent of having people take their one family house and convert it to a two-family house and then not live in it, just rent it out. Mr. Ahsan stated they would need to break down the walls and bring the larger residence back to a one-family home. He stated if they allow one applicant to have three residences on their property they open it up to everyone in East Fishkill wanting that as well.

Chairperson Drummond asked if they were on septics. Mr. Illescas stated there are two separate septic systems; one for the cottage and one for the big house. Chairperson Drummond asked how many bedrooms the septic for the large house was based on. Mr. Illescas stated he believes it is 1000 gallons. Chairperson Drummond stated if they are adding bedrooms they need to talk to the Board of Health because it may need to be redone. Their application stated they were doing the addition to add a bedroom. Ms. Quinatocte stated the existing areas they call a bedroom are very small and wouldn't even fit a twin bed in there. It was being used as an office. This would be a decent sized bedroom. Both units would still stay 2 bedrooms. Mr. Illescas stated there are two people living upstairs and three people living downstairs. Ms. Quinatocte stated on the bottom there is a woman and two children but one is leaving and upstairs is a couple. Chairperson Drummond stated it does not matter how many people live there. It goes by the bedroom count.

Mr. Ahsan stated he is willing to have them come back next month to propose some sort of solution. He suggested they speak to the attorney who did their closing.

Chairperson Drummond stated they could have additional conversation about this next month, but she strongly suggested they return it to a single resident house. The applicant would need to get three Board members to agree with them in order to proceed. Mr. Illescas stated it will take a lot to do that because they have put a laundry room where he believes the entrance to the second floor used to be and everything is closed up. Chairperson Drummond stated she does understand that but anybody could make a two family residence out of a single family house and state that it would cost too much money to undo it. The fact that they have expended funds on it is not a valid reason to allow a third residential unit on this parcel. Mr. Illescas asked if there was any way they could take into consideration that they had nothing to do with these renovations. They are just trying to make it livable and nicer. He wish he would have known before this all started. Mr. Limitone stated this is an unfortunate situation and this might not be the best solution for the applicant but maybe they should talk to the attorney that did the closing and see if there is any assistance they can get from there.

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

> LEM Elite Reality, Inc., 551-555 Hosner Mountain Rd., Stormville, requesting a Special Use Permit and requiring a site plan, Pursuant to Section 194-132.

No one was present.

Chairperson Drummond stated this application came before the Board back in March. They had a discussion about the fact that this is a commercial use in a residential area. It had been operating that way before. The applicant has never been back. Two months ago when they abandoned another application, they did say they would give this applicant a little more time because he had been in contact with Clerk Keenan. She has not been able to reach him since then. Chairperson Drummond would like a motion to consider this application abandoned.

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

Appeal 4172 – ABDD, LLC (Dunkin) (6556-01-008697)

Taconic Reality Group, 2593 Route 52, Hopewell Junction, requesting a Variance to allow a second free standing sign pursuant to Section 153-7(B)(2)` of the Zoning Ordinance.

James Linderman and Justin Dates were present.

Mr. Linderman stated this is a large commercial property. Dunkin is proposing to relocate from the large building to the larger suite in the smaller building. These site renovations will include facade improvements, reconfiguring some parking to allow for a drive through window, and the construction of a second freestanding sign on the lot where only one is permitted by the zoning code. The current freestanding sign has advertisers for the existing commercial tenants. Dunkin is unable to get onto that sign because it is at its capacity. They are proposing a second freestanding sign solely for Dunkin's advertising to increase visibility. Based on the commercial nature of the property they feel that this type variance is very appropriate here and they would ask that a public hearing be set.

Chairperson Drummond asked how big of a sign they are asking for. Mr. Dates stated that the applicant is proposing a blade style sign. It is tall and narrow. The overall height of the sign structure is 16 feet by three feet 3 inches wide and it is only approximately 20 inches in depth. He stated the existing is on the left hand side if you are looking at the entrance from the highway. There are two buildings on the site and the smaller building is where Dunkin is moving to. Their proposed blade sign is on that proposed side. They would be taking away a parking space along the frontage to create an island where the sign would be placed. There would be landscaping around the base of the sign structure. It would essentially have a brick foundation which will match the current buildings on the site. The sign is placed above that. It is internally illuminated with LEDs and it has the traditional Dunkin colors and lettering with the drive-through designation on it.

Mr. Limitone asked if they did not think anyone was going to see the first freestanding sign for the plaza. Chairperson Drummond stated that the applicant says there is no room on that sign for Dunkin to be listed.

Chairperson Drummond asked how this sign compares in size to the other sign. Mr. Dates stated he does not have those dimensions. He could provide that to the Board. Mr. Rickett stated Dunkin has exposure on the current monument sign. It is not a standalone monument sign. Chairperson Drummond stated so it is not out of space as they were told. Mr. Rickett stated that is correct. Mr. Dates stated he believed that sign would be replaced with whatever new business goes into Dunkin's current location now. Chairperson Drummond asked what was in where Dunkin is going into now and if they had a spot on the sign. Mr. Dates stated a while ago it may have been a deli. Mr. Rickett stated there was a beer distributor there. Mr. Dates stated there is a liquor store in the front right now. Mr. Rickett stated it has been a few different businesses. Mr. Dates stated that based on the location of this facility Dunkin is at the very back of the site. They're looking to get exposure up on the state highway. They are as close as they can get to the highway because there are stormwater improvements that go from the property up to the curb line of these parking spaces. This proposed location is over 30 feet from the property line to where the sign is. The building itself is about 200 feet back from Route 52. Mr. Limitone stated the store would be visible from the road. He does not believe people will have a hard time finding a Dunkin. Mr. Dates stated you could see the building from the road but the applicant would like prominent frontage to be seen up closer to where the roadway is.

Chairperson Drummond stated what happens on one site sets a precedent for what happens on other sites. This could cause plazas all across town to ask for a second freestanding sign. That is part of what this Board has to consider. A lot of places are trying to reduce the number of signs or the look of signs because they are all over the place.

Mr. Rickett stated if you are going west on Route 52 you are not going to see the Dunkin sign because of the existing monument sign. He asked if there was any thought of relocating the existing monument to the opposite side where the other pad is. There is a smaller pad where Dunkin would put their sign and a larger L-shaped pad. If the existing sign was brought to the other side of the parking lot to the right hand side of the entrance it would give more visibility for both of these signs. Chairperson Drummond asked if the applicant did consider the visibility from that direction. Mr. Dates stated yes they did move it further to the west. They are more on the inside of the curve right there. He showed them on the map where the proposed sign was and where the proposed Dunkin was.

Mr. Ahsan asked where the proposed drive-through would be. Mr. Dates showed them the travel route for the drive thru. They have put this as far back as they could. That gives them plenty of stacking for cars. Mr. Dates stated there is room for at least 11 cars to be queued.

Mr. Limitone stated this would be an LED lighted sign. Mr. Dates stated it would be an internally illuminated LED sign. Chairperson Drummond asked if that was allowed by Town Code and Mr. Rickett stated it is similar to the Wells Fargo sign on Route 376. That is the blade style as well. He stated if you look at where the existing sign is shown you won't see the Dunkin sign when you go from east to west.

Mr. Limitone asked if the building itself was going to have a lit sign on it as well. Mr. Dates said yes. They will be on the south side and the east side.

Mr. Linderman stated the unit closest to the road is not occupied by Dunkin. If you are driving passed from the west the proposed freestanding sign is the way that they would notice where Dunkin is located. You won't be able to see the backside of the building as you are approaching from the west. Mr. Rickett stated as you are approaching from the west the Dunkin sign would conceal some of the signage on the existing sign if it is not spaced further away. He stated if they space it out properly it would be better for the plaza in general.

Mr. Limitone stated he does understand the desire to have as many signs to attract as much business as possible but he does not believe anyone will have a problem finding a Dunkin' Donuts. Everyone goes there.

Chairperson Drummond asked if McDonald's is its own property over at the Brookmeade Plaza. Mr. Rickett stated it is part of the entire plaza. Chairperson Drummond stated they have two signs. McDonald's has its own sign and then there is a separate sign for all the other tenants in the other building. That is similar to what they are asking for here. The precedence has already been set.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to schedule this application for a Public Hearing for October 20, 2026. Voted and carried unanimously.

ADJOURNMENT:

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the meeting at 8:25 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary