

Town of East Fishkill
ZONING BOARD OF APPEAL

March 27, 2018

Chairwoman Drummond started the meeting with the roll call. Those present were Mary Seminara, James Meier, Aziz Ahsan, Norma Drummond and Tara Franco. Tom Wood, Town Attorney, and Pam Baier, Clerk were also present.

The Pledge of Allegiance was done at this time.

CHAIRPERSON'S COMMENTS:

Chairwoman Drummond announced that the next two meetings will be Tuesday, April 24th, and Tuesday, May 22nd.

APPROVAL OF MINUTES:

Chairwoman Drummond asked for a motion to approve the minutes of February 27th, 2018 as amended.

MOTION to approve the February 27, 2018 minutes as amended was made by James Meier, seconded by Mary Seminara. Aziz Ahsan abstained. Voted and carried.

Chairwoman Drummond explained to the public the procedure of the agenda. The Board held a public hearing and needs to make a decision on the first two appeals. There are a number of public hearings where the Board has already had the opportunity to review the applications and would like to hear from the neighbors about any concerns or are in support of the appeal. The last two items on the agenda are reviews which the Board is seeing for the first time. There will be no public comments on these this evening.

Chairwoman Drummond stated that there are two decisions before the Board.

DECISION:

DECISION – Appeal 3804 – DiPaolo (6557-04-999431)

Steven DiPaolo is requesting an 80' frontline variance for a proposed 7200 square foot building at 237 Route 216 Stormville, pursuant to Section 194-123 of the Zoning Ordinance.

Chairwoman Drummond asked Mr. Wood and Ms. Baier if there has been any response from NYS DEC on this appeal. Mr. Wood said no. There will be no Board action on this appeal this evening.

DECISION - Appeal 3860 – Morgan/Pena (6655-01-208607)

Joanna Morgan and Fred Pena, 2 Kane Drive, Stormville, are requesting an interpretation of what is considered a front yard for a corner lot, pursuant to Section 194-100 of the Zoning Ordinance.

Resolution offered by Zoning Board Member James Meier.

WHEREAS the Applicant has applied for an interpretation of what is considered a front yard for a corner lot, pursuant to Section 194-100 of the Zoning Ordinance, and

WHEREAS this action is a Type 2 Action under SEQR and no further action is required, and

WHEREAS the Legal Notice was published in the Southern Dutchess News on February 14, 2018, and

WHEREAS the Zoning Board of Appeals held a Public Hearing on February 27, 2018, and

WHEREAS the Zoning Board of Appeals finds that:

The Applicant's property is a corner lot located at the intersection of Leetown Road and Kane Drive. The Subdivision Map creating the lot contains a notation that access will be derived from Kane Drive.

Section 194-100 of the Town Zoning Ordinance determines that a corner lot has two front yards requiring front yard setbacks appropriate to the Residential District requirements. The front façade of a home is not the determining factor of a front yard, but rather the presence of lot frontage on a street.

The lot in question has two front yards each requiring a 50' setback; in this case, from Kane Drive and Leetown Road.

While no request for a variance of the required setbacks has been made, it can be noted that construction and other uses on the premises violates the required setbacks.

NOW THEREFORE BE IT 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 Aziz Ahsan

Votes are as follows:

Board Member James Meier	Aye
Board Member Aziz Ahsan	Aye
Board Member Tara Franco	Aye
Board Member Mary Seminara	Aye
Chairwoman Norma Drummond	Aye

PUBLIC HEARINGS:

PUBLIC HEARING – Appeal 3861 – Paratore (6356-01-365933)

Alberto and Mary Paratore, 109 Broadway, Hopewell Junction, are requesting a 2’ variance for an existing 6’ fence in front of the frontline of the house, pursuant to Section 194-98 of the Zoning Ordinance.

MOTION to open the public hearing was made by Aziz Ahsan, seconded by Tara Franco. Voted and carried unanimously.

Mr. & Mrs. Paratore were present. Chairwoman Drummond summarized that the Board reviewed the application last month. This is a flag lot. The front of the house faces along the “pole” and not towards the front of the lot, which is why where the pen was placed for the two Siberian Huskies ends up being in the front yard. When the Town came out to do an inspection on something else, it was brought to the Paratore’s attention that the 6’ pen needed a variance. At the review it was stated that the 6’ pen was needed because the 2 large dogs are capable of jumping pretty high. It was also discussed based on the topography of the lot there is not another flat area to work with. The pen is not visible to any neighbors. The Board received two letters from the neighbors. Chairwoman Drummond said that she would read them in to the record. Mr. Paratore stated that he has a third letter. Mrs. Paratore stated that two of the letters are from the renters and one is from the owner of the property. Chairwoman Drummond asked if there was anything the Paratores wished to add to the summary that was given. There was none. Chairwoman Drummond asked if there were any questions or comments from the Board Members. There were none.

Chairwoman Drummond read the letters received at this time. One is dated March 2, 2018, from Sarah Santoro. She has no issues with the request. Another letter is dated March 4, 2018, from the renters of 107 Broadway. They had no issues with the request. The third letter is dated March 22 from the owner of the property which is Moffey Properties, LLC. It is in support of the issuance of the variance and is signed by Meghan Moffey.

Chairwoman Drummond asked if anyone wished to speak for or against this appeal. No one came forward.

Chairwoman Drummond stated that one point that was raised at the last meeting was whether there was any concern if the time is limited for allowing this pen. The Resolution would be made subject to when there is a sale of the house the pen would be removed. Mr. Paratore said it was fine.

MOTION to close the public hearing was made by Aziz Ahsan, seconded by Mary Seminara. James Meier abstained from the voting because he knew one of the people that wrote letters. Voted and carried.

Resolution offered by Mary Seminara
WHERE IS THE RESOLUTION?

Resolution Seconded by Aziz Ahsan.

Votes were as follows:

Board Member James Meier	Abstained
Board Member Aziz Ahsan	Aye
Board Member Tara Franco	Aye
Board Member Mary Seminara	Aye
Chairwoman Norma Drummond	Aye

PUBLIC HEARING – Appeal 3862 – Flick (6355-00-427680)

Joseph Flick, 56 Winter Green Place, Hopewell Junction, is requesting a 1' variance for an existing 5' fence, pursuant to Section 194-98 of the Zoning Ordinance.

MOTION to open the public hearing was made by Aziz Ahsan, seconded by Tara Franco. Voted and carried unanimously.

Mr. Flick was present. The Board reviewed this application and found that this application was before the Board once before, but Mr. Flick did not see the application through to conclusion. The fence was not installed at that time. A survey was needed and the Board had requested it. The survey is now done and the fence has been installed. The applicant is requesting 1' additional. It was mentioned that there are dogs involved. The Board discussed with the applicant that this fence is in front of his house, but it is significantly far away from the nearest neighbor. Mr. Flick said that was correct. It is about 400' away from the cul-de-sac.

Chairwoman Drummond mentioned that there is vegetation and screening in the area as well. Chairwoman Drummond asked what the color of the fence was and Mr. Flick said that it was white vinyl. The lot is very heavily vegetated so it is screened. Chairwoman Drummond asked if there were any questions or comments from the Board Members. There were none.

Chairwoman Drummond asked if there was anyone who wished to speak for or against this appeal. No one came forward.

MOTION to close the public hearing was made by Aziz Ahsan, seconded by James Meier. Voted and carried unanimously.

Resolution offered by Board Member Aziz Ahsan

WHEREAS the Applicant has applied for a 1' variance for an existing 5' fence which is located in front of the frontline of the house, pursuant to Section 194-98 of the Zoning Ordinance, and

WHEREAS this action is a Type 2 Action under SEQR and no further action is required, and

WHEREAS the Legal Notice was published in the Southern Dutchess News on March 14, 2018, and

WHEREAS the Zoning Board of Appeals held a Public Hearing on March 27, 2018, 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 or be a detriment to the community as the house is approximately 420' back from the front property line, and the existing fence is approximately 25' in front of the frontline of the house;

The desired result cannot be achieved by some other means as the applicant has two German Shepards that he wants to make sure stay on his property;

The variance requested is not substantial;

The proposed area variance will not have an adverse effect or impact on the physical or environmental conditions as it is approximately 400' back from the front property line and at least 2'in from the side property line.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request by Joseph Flick, 56 Wintergreen Place, Hopewell Junction, for a 1' variance for an existing 5' fence which is located in front of the frontline of the house, pursuant to Section 194-98 of the Zoning Ordinance.

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 Board Member Mary Seminara

Chairwoman Drummond stated that before the Board votes she wanted to make it clear that the Board is not going to request that Mr. Flick take down his fence when he sells the house like the previous application. This is a decorative fence and not a dog pen.

Votes were as follows:

Board Member James Meier	Aye
Board Member Aziz Ahsan	Aye
Board Member Tara Franco	Aye
Board Member Mary Seminara	Aye
Chairwoman Norma Drummond	Aye

PUBLIC HEARING – Appeal 3863 – Heitmann (6455-02-780665)

Gregory Heitmann, 17 East Hook Cross Road, Hopewell Junction, is requesting a 13’ frontline variance for an existing sunroom and a variance for a pool located in front of the house, pursuant to Sections 194-94 and 194-95 of the Zoning Ordinance.

MOTION to open the public hearing was made by Aziz Ahsan, seconded by Tara Franco. Voted and carried unanimously.

Mr. Heitmann was present. Chairwoman Drummond summarized the appeal. This is a property where the house was built years ago before zoning. The way the house is situated, it faces away from the street. Mr. Heitmann said that it was a family compound. Chairwoman Drummond added that there are multiple houses in very close approximately with something like their own private street or drive. Over the past years, a sunroom was constructed and an in-ground pool was put in. These were done without any permits. There used to be a pool on the property located in the physical front yard. It has been removed since. Chairwoman Drummond questioned if there was a retaining wall on the side of the pool closest to the street. Mr. Heitmann said there were huge boulders about 5’ – 6’ in size. He stated that he was a civil engineer. Chairwoman Drummond said that her question has been answered in reference to an engineer looking at it to make sure it is sturdy because water is heavy. Mr. Heitmann said there has been no movement. Chairwoman Drummond asked if there was a liner inside the pool. Mr. Heitmann said there was a liner. The pool wall itself is only 4’ tall and it is on concrete. Mr. Heitmann described how the pool was constructed with concrete and rebar. Chairwoman Drummond asked Mr. Heitmann to file the plans with the Building Department because any future owner would want to know how that pool was constructed. Chairwoman Drummond pointed out that the sunroom blocks the visibility of the pool. Mr. Heitmann said that was right.

The Board doesn't like to approve variances for pools because it is more recreation and not mandatory. The noise level is a concern, but in this case the neighbor is family so there are no neighbors that would be bothered by the use of the pool. Chairwoman Drummond asked if there were any comments or questions from the Board Members. There were none.

Chairwoman Drummond asked if anyone wished to speak for or against this appeal.

William Hyatt came forward. He owns 27 East Hook Cross Road. They have the same property line. He does not have a problem with anything.

MOTION to close the public hearing was made by Aziz Ahsan, seconded by James Meier. Voted and carried unanimously.

Resolution offered by Tara Franco

WHEREAS the Applicant has applied for a 13' frontline variance for an existing sunroom and a variance for a pool located in front of the house, pursuant to Sections 194-94 and 194-95 of the Zoning Ordinance, and

WHEREAS this action is a Type 2 Action under SEQR and no further action is required, and

WHEREAS the Legal Notice was published in the Southern Dutchess News on March 14, 2018, and

WHEREAS the Zoning Board of Appeals held a Public Hearing on March 27, 2018, 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 or be a detriment to the community as both structures are existing and the house, which was built approximately 68 years ago, does not face the frontyard;

The desired result cannot be achieved by some other means as the lot is rocky thus making it difficult to have a pool in the rear of the house;

The variance requested is not substantial;

The proposed area variance will not have an adverse effect or impact on the physical or environmental conditions as there is a retaining wall, approximately 30' above the road, which makes it difficult to see the property from the roadway.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request by Gregory Heitmann, 17 East Hook Cross Road, Hopewell Junction, for a 13' frontline variance for an existing sunroom and a variance for a pool located in front of the house, pursuant to Sections 194-94 and 194-95 of the Zoning Ordinance.

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 Aziz Ahsan

Votes were as follows:

Board Member James Meier	Aye
Board Member Aziz Ahsan	Aye
Board Member Tara Franco	Aye
Board Member Mary Seminara	Aye
Chairwoman Norma Drummond	Aye

PUBLIC HEARING – Appeal 3864 – Servay (6457-01-358780)

Jeffery Servay, 15 Railroad Avenue, Hopewell Junction, is requesting a 29' frontline and a 12' sideline variance for a proposed 18'x20' detached garage, a 9' sideline and 7' rearline variance for an existing 10'x10' shed and a 40' frontline variance for a pre-existing, non-conforming dwelling, pursuant to Sections 194-107C, 194-107B(1)b and 194-121 of the Zoning Ordinance.

MOTION to open the public hearing was made by Aziz Ahsan, seconded by Tara Franco. Voted and carried unanimously.

Mr. Servay was present. The Board reviewed this application last month. The lots on Railroad Avenue are small. There is very limited room in the rear yard to do anything. The house was built close to the street. The Board is going to clear up that issue while working on the other variances. Mr. Servay is looking to add a detached garage which would add to the appearance of yard. There is an existing shed on the property. Mr. Servay believed it was addressed during a previous addition of a front porch a couple of years ago. Mr. Servay believes he has a variance for that already. Chairwoman Drummond asked if it has been moved at all. Mr. Servay said it hasn't. The Board decided to make sure of the shed by taking care of it now. There was a discussion of putting the garage more behind the house, but it would be much better off closer to the driveway and the street. Mr. Servay stated that there are dry wells and moving the garage back would be putting it on top of the dry wells. Chairwoman Drummond asked if there were any comments or questions from the Board Members. Mr. Ahsan said that if the shed has been addressed before he felt that it would be better to do it again.

Chairwoman Drummond asked if anyone wished to speak for or against this appeal. No one came forward.

MOTION to close the public hearing was made by Aziz Ahsan, seconded by Mary Seminara. Voted and carried unanimously.

Resolution offered by Board Member Mary Seminara

WHEREAS the Applicant has applied for a 29' frontline and 12' sideline variance for a proposed 18'x20' detached garage, a 9' sideline and 7' rearline variance for an existing 10'x10' shed and a 40' frontline variance for a pre-existing, non-conforming dwelling, pursuant to Sections 194-107C, 194-107B(1)b and 194-121 of the Zoning Ordinance.

WHEREAS this action is a Type 2 Action under SEQR and no further action is required, and

WHEREAS the Legal Notice was published in the Southern Dutchess News on March 14, 2018, and

WHEREAS the Zoning Board of Appeals held a Public Hearing on March 27, 2018, 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 or be a detriment to the community as the property is a pre-existing, non-conforming use in an Industrial Zone, where the lots are small and there is limited open space. The garage is being designed to complement the existing house and the shed has been on the property for several years.

The desired result cannot be achieved by some other means as the septic is located in the rear of the property;

The variance requested is not substantial;

The proposed area 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 by Jeffrey D. Servay, 15 Railroad Avenue, Hopewell Junction, for a 29' frontline and 12' sideline variance for a proposed 18'x20' detached garage, a 9' sideline and 7' rearline variance for an existing 10'x10' shed and a 40' frontline variance for a pre-existing, non-conforming dwelling, pursuant to Sections 194-107C, 194-107B(1)b and 194-121 of the Zoning Ordinance.

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 Board Member Aziz Ahsan

Votes were as follows:

Board Member James Meier	Aye
Board Member Aziz Ahsan	Aye
Board Member Tara Franco	Aye
Board Member Mary Seminara	Aye
Chairwoman Norma Drummond	Aye

PUBLIC HEARING – Appeal 3865 – Colella (6655-04-893102)

Joseph Colella, 247 Ressique Road, Stormville, is requesting an expansion of a pre-existing, non-conforming dwelling at 239 Ressique Road, Stormville, in order to build a 28’x24’ attached garage, and a 10’ frontline variance for a proposed front porch pursuant to Sections 194-121 and 194-17 of the Zoning Ordinance.

MOTION to open the public hearing was made by Aziz Ahsan, seconded by Mary Seminara. Voted and carried unanimously.

Mr. Colella was present. Chairwoman Drummond stated that last month the application for this property was reviewed. Mr. Colella lives next door. This is an old house that has been in his family. There are three lots in this area that are all undersized so they are non-conforming. There is a detached garage on the property now that will be torn down. Mr. Colella is asking to replace the garage by attaching it to the house. There was also a discussion about adding a front porch to the house. The Board agreed it would make the house look nicer and give it more curb appeal. Chairwoman Drummond asked if there were any questions or comments from the Board Members. There were none.

Chairwoman Drummond asked if anyone wished to speak for or against this appeal. No one came forward.

MOTION to close the public hearing was made by Aziz Ahsan, seconded by Tara Franco. Voted and carried unanimously.

Resolution offered by Board Member Aziz Ahsan

WHEREAS the Applicant has applied for an expansion of a pre-existing, non-conforming dwelling in order to build a 28’x24’ attached garage and a 10’ frontline variance for a proposed front porch, pursuant to Sections 194-121 and 194-17 of the Zoning Ordinance,

WHEREAS this action is a Type 2 Action under SEQRA and no further action is required, and

WHEREAS the Legal Notice was published in the Southern Dutchess News on March 14, 2018, and

WHEREAS the Zoning Board of Appeals held a Public Hearing on March 27, 2018, 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 or be a detriment to the community as the removal of the existing detached garage and the renovations of the existing dwelling will be an improvement to the property;

The desired result cannot be achieved by some other means as the lot is .59/acre in what is now an R-3 zone;

The variance requested is not substantial;

The proposed area 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 by Joseph Colella, for the property at 239 Ressique Road, Stormville, for an expansion of a pre-existing, non-conforming dwelling in order to build a 28'x24' attached garage, and a 10' frontline variance for a proposed front porch, pursuant to Sections 194-121 and 194-17 of the Zoning Ordinance.

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 Board Member James Meier

Votes were as follows:

Board Member James Meier	Aye
Board Member Aziz Ahsan	Aye
Board Member Tara Franco	Aye
Board Member Mary Seminara	Aye
Chairwoman Norma Drummond	Aye

PUBLIC HEARING – Appeal 3866 – Potrzeba (6357-04-691290)

Bernard Potrzeba, 1 Charles Lane, Rhinebeck, is requesting a 4' frontline and 14' rearline variance for a proposed 6'x8' covered entry way on a pre-existing building footprint at 566 Route 82, Hopewell Junction, pursuant to Section 194-17 of the Zoning Ordinance.

MOTION to open the public hearing was made by Aziz Ahsan, seconded by Tara Franco. Voted and carried unanimously.

Mr. Patrick Kelly, Jr. was present representing Mr. Potrzeba. Chairwoman Drummond explained that there was a building at this site that had been destroyed by fire. They are proposing to replace the building as it was with the exception of the entrance. In addition to the entrance facing Route 82, they would like to add a covered entry way that will be accessible at a grade level so that patrons would come in from the parking lot without having to circle around to the front of the building. Mr. Kelly said that the building would look a lot nicer than it was.

Chairwoman Drummond asked if anyone wished to speak for or against this appeal.

William Fakhoury came forward and stated that he was the owner of Joe's Dairy Bar. He wanted clarification on what is going on. Mr. Fakhoury did not understand what was going on. Chairwoman Drummond stated that the applicant is asking to put the building back where it was. He would be using the existing footprint of the building. The entry would be from the side. It would be at grade so that patrons could walk right in. Mr. Fakhoury thought that the applicant was asking for additional property.

Chairwoman Drummond asked if there was anyone else who wished to speak. No one came forward.

MOTION to close the public hearing was made by Aziz Ahsan, seconded by James Meier. Voted and carried unanimously.

Resolution offered by Board Member Tara Franco

WHEREAS the Applicant has applied for a 4' frontline and 14' rearline variance for a proposed 6'x8' covered entry way on a replacement building on a pre-existing footprint at 566 Route 82, Hopewell Junction, pursuant to Section 194-17 of the Zoning Ordinance,

WHEREAS this action is a Type 2 Action under SEQR and no further action is required, and

WHEREAS the Legal Notice was published in the Southern Dutchess News on March 14, 2018, and

WHEREAS the Zoning Board of Appeals held a Public Hearing on March 27, 2018, 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 or be a detriment to the community as the proposed change will

enhance the new building as well as make the entrance more accessible as it will be at grade with the parking lot and safer for the public as it is further away from Route 82;

The desired result cannot be achieved by some other means;

The variance requested is not substantial;

The proposed area 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 by Bernard Potrzeba for a 4' frontline and 14' rearline variance for a proposed 6'x8' covered entry way on a pre-existing building footprint at 566 Route 82, Hopewell Junction, pursuant to Section 194-17 of the Zoning Ordinance.

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 Aziz Ahsan

Mr. Kelly wanted to explain that the new porch entrance that is being requested for a variance will also have a handicap ramp to get to that elevation. It will not be the elevation of the parking lot. He stated that it will be 18 inches above the property. Chairwoman Drummond stated that the Board understood that but the porch that is going to be there will be level with the doorstep. The Board is familiar with what he is saying.

Votes were as follows:

Board Member James Meier	Aye
Board Member Aziz Ahsan	Aye
Board Member Tara Franco	Aye
Board Member Mary Seminara	Aye
Chairwoman Norma Drummond	Aye

PUBLIC HEARING – Appeal 3867 – Tucker (6657-04-517325)

Scott Tucker, 109 Route 216 Stormville, is requesting a Special Permit to bring in 20,000 yards of fill in order to bring his lot on Seaman Road up to grade to prevent flooding as it is used for farming purposes, pursuant to Section 194-75 of the Zoning Ordinance.

MOTION to open the public hearing was made by Aziz Ahsan, seconded by James Meier. Voted and carried unanimously.

Mr. Tucker was present. Chairwoman Drummond explained that the Board had a chance to review this application last month. This is an existing farming lot. Mr. Tucker is looking to allow more farming in the area. He plans to grow corn and hay. There is an area towards the center of the lot he would like to bring this entire fill in. The code allows 375 cubic yards per year per lot. This is significantly more than that. The plan provided to the Board shows that storm water management practices on it will be maintained. Mr. Tucker is looking to help with the flooding issues. He would like to control the water on the lot to be able to make more of the lot usable. It was discussed that there are not that many neighbors in the area. The Board wants to encourage farming in Town. Chairwoman Drummond asked if there were any comments or questions from the Board Members. Mr. Ahsan said his concern is that Mr. Tucker mentioned that he was going to bring in fill and have several monitoring stations. He asked Mr. Tucker to explain this. Mr. Tucker said that he was talking with the D.E.C. today. They are testing the fill on site before it leaves and they are going to test at the place. Mr. Tucker said that he bought a tester himself. Before it comes to the site, it has been tested. There is a little bit of a question going on with the D.E.C. right now about little pieces of plastic and other debris that is not allowed. There is a meeting with the D.E.C. at the lot on Thursday to clear this up and make sure there is none of that. The agreement with the contractor is that the fill will be clean which meets NYS Conservation standards. It is right in the contract. Chairwoman Drummond asked about the hours that the trucks would be coming. Mr. Tucker said that it would be between the hours of 8 and 5, weekdays only. Chairwoman Drummond asked if it has been identified as to where the fill is coming from. Mr. Tucker said that it was various sites. Mr. Meier just wanted to confirm that they were testing the fill at the sites. Mr. Tucker said they will be bringing in a few loads to bring in their equipment. They have paperwork on it before it comes to the farm. Mr. Tucker is having it tested again when it comes just to make sure. Mr. Ahsan said that some of the fill may be construction debris. Mr. Tucker said there is an area where it is clean fill and what is allowed and what isn't. That has to be clarified some for the D.E.C. people. Chairwoman Drummond asked why the D.E.C. is overseeing this. Mr. Tucker said that the D.E.C. has seen the signs out there and a lot of this fill has been brought over to the animal rescue on the Beekman line. They want to be sure it is clean. Chairwoman Drummond wanted to make sure that wetlands are not being talked about. Mr. Tucker said no. He is far away from the wetlands. Chairwoman Drummond asked if the D.E.C. is issuing any permits. Mr. Tucker said that this will all be discussed on Thursday. Mr. Croniser said that there is a concern about mining. Mr. Tucker said that they have limits on moving material. Chairwoman Drummond asked what kind of records the Building Department would need. Mr. Croniser said that a fill permit will be issued. Mr. Ahsan asked if the contract specifies construction debris or top soil. Mr. Tucker said it is clean fill. He had it put in the contract and he also put "D.E.C. approved" to make sure there are no contaminants in it. Mr. Tucker heard bad stories about that which is why he insisted that it be tested. He ordered a tester for himself. Mr. Tucker said that if this is approved, he will be able to take a plow out there in the spring. Chairwoman Drummond asked how long it would take to get the fill out there. Mr. Tucker thought it would be 4 or 5 months. It depends on how fast it is brought in. Chairwoman Drummond asked if there were any other questions or comments from the Board. There were none.

Chairwoman Drummond asked if anyone wished to speak for or against this appeal.

Mr. Peter Kelly came forward. He is the neighbor on Seaman Road. The question he had was the sign says 200,000 yards. Chairwoman Drummond said no it is only 20,000 yards. Mr. Kelly

said that is still a bit of fill. They are probably going to run 10 wheeler triaxles down Seaman Road. As long as the road can handle it, Mr. Kelly had no objection to the request.

John Paraskeva came forward. He also read the sign that said 200,000 cubic yards. He questioned the fact that there is a 10' bridge that they would have to go under. Mr. Tucker said that they were not coming from that direction. The trucks would be coming down Greenhaven Road. They will not come under that bridge or through the development on Judith Drive. They are going to come down Greenhaven Road which they have already been depositing a lot of fill on South Greenhaven Road. Mr. Paraskeva just wanted to make sure they were not coming over East Fishkill Roads. Mr. Paraskeva said that he had a little experience with the stuff coming out of New York City when he worked for the Town. It is not the nicest stuff in the world. Chairwoman Drummond was glad that Mr. Tucker was learning what to do before it gets started. Mr. Paraskeva said that Mr. Tucker needs to keep a good eye on what is coming out of New York City because there are many places in the Town where the soil has been deposited that has questionable stuff in it.

Sean Bogart came forward. He was here to gather some information for the Carnahans, the owners of Stormville Airport. They were not able to be here tonight. They are trying to figure out exactly where the property is going to be filled. A great deal of the area is New York State and Federal flood plains. Mr. Tucker had a map available and showed Mr. Bogart where everything was located and where the fill would go. Mr. Bogart said that he has to bring this information back to the Carnahans. The water table is high around the runway. He didn't want it to encroach on the runway itself. Mr. Tucker said that there is already existing drainage there. Chairwoman Drummond had the Town Engineer review the plans. Mr. Bogart asked if the Carnahans had any questions they could call the Town Engineer. Chairwoman Drummond stated they should call the Building Department and depending on who is reviewing this they will help them. Chairwoman Drummond asked Mr. Tucker if he had any meeting with the Town Engineer regarding this. Mr. Tucker said that he hadn't talked to the Town Engineer. The Board wants to make sure that the Town Engineer is on board with the plan. Mr. Meier explained that the Town Engineer won't look at this until he files for a permit. Mr. Tucker asked if that was what he was doing and Chairwoman Drummond explained that he was here to get a variance because he is asking for more than what is allowed. Mr. Wood added that rather than have Mr. Tucker go back and forth the Board is suggesting that the Public Hearing be closed and reserve Decision. In the meantime, Mr. Tucker would meet with the Engineer and the Engineer would put in to the Decision for next month any language that is needed. Meet with the D.E.C. and get that information, then come in and make an appointment. The plans will be gone over to make sure everyone is on board. Chairwoman Drummond stated that the Board wants to make sure that the neighbors are being protected.

MOTION to close and reserve Decision for incorporation of conditions that may be required by the Town Engineer was made by James Meier, seconded by Aziz Ahsan. Voted and carried unanimously.

REVIEWS:

REVIEW – Appeal 3859 – Adusei (6657-03248461)

Christa and Kwami Adusei, 41 Brothers Road, Stormville, are requesting a 10' sideline variance for a proposed 10'x10' shed and a 7' sideline variance for proposed pool equipment pursuant to Sections 194-107B(2) and 194-95 of the Zoning Ordinance.

No one was present.

REVIEW – Appeal 3868 – Nace (6558-01-389869)

Kyle and Alicia Nace, 25 Oakbrook Lane, LaGrangeville, NY, are requesting a 16' frontline variance for a proposed house at 33 Mountain Pass, pursuant to Section 194-100 of the Zoning Ordinance.

Mr. & Mrs. Nace were present along with Jamie McNiff of Larry Pagge Associates representing the applicants. They have a vacant lot on Mountain Pass Road and Geneva Drive. They are looking for an 18' variance from the corner lot requirement of 50' off of Geneva Drive. They are providing well over 50' off of Mountain Pass which is similar to what every other lot on the street has. The filed map indicates that they should take access from Mountain Pass Road. Chairwoman Drummond asked if they can get appropriate access from the one side. Ms. McNiff said that they have the 50' requirement for Mountain Pass but it is the other road that does not have 50'. Mr. Nace said that when the lot was approved back in the 60s Geneva wasn't even there. Chairwoman Drummond asked what the size of the footprint of this house. Can the house be shrunk a little bit? Ms. McNiff said it is a 2000 sq. ft. footprint. It is 59' x 51'. It is a 3 bedroom house. She did not think it was oversized for the lot. Mr. Ahsan asked what size was the lot. The lot is 1 acre. Chairwoman Drummond explained that the Board's purpose is to minimize the variances whenever possible. She does not know what the house actually looks like. It looks like a contemporary raised ranch. The question is why that footprint or is there some other shaped house that would fit to minimize the variance. Mr. Nace said that they ended up working with an engineer to design the house. Based on the plans, they tried to look at it reasonably to see if some rooms could be moved around towards the back. It is not possible. Chairwoman Drummond asked if the house was consistent with the neighborhood. Mr. Nace said it was. Chairwoman Drummond was not familiar with area around Geneva Drive and asked how busy of an area is Geneva Drive? Mr. Nace said the neighborhood is so quiet. Chairwoman Drummond asked if they were impacting on the neighborhood by doing this. Will screening be left up or leaving vegetation along Geneva Drive. Mr. Nace said that right now there are currently 3 trees there. They have talked about putting some screening trees once they start building. The garage is on the other side. Chairwoman Drummond asked what the size of the top of the driveway was and do they have enough room to back a car out. Mr. Nace said they did. Chairwoman Drummond asked if there were any questions or comments from the Board Members. There were none.

MOTION to advertise for a public hearing was made by Aziz Ahsan, seconded by James Meier. Voted and carried unanimously.

ADJOURNMENT:

MOTION to adjourn the Zoning Board meeting was made by Aziz Ahsan, seconded by James Meier. Voted and carried unanimously.

Respectfully submitted,

Lisa Anne Barach
Meeting Secretary