

Town of East Fishkill

ZONING BOARD OF APPEALS

April 26, 2022

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call via a Zoom meeting. Those present were Rocco Limitone, Aziz Ahsan, James Meier, and Norma Drummond. Michael Cunningham, Esq., Town Attorney; Matt Rickett, Zoning Administrator; and Jackie Keenan, Clerk, were also present.

Chairperson Drummond led the meeting with the Pledge of Allegiance.

CHAIRPERSON’S COMMENTS:

Chairwoman Drummond stated they are acting in accordance with the Governor’s Executive Order for meeting in a Zoom format that has been extended due to the COVID-19 Pandemic. The meeting was properly noticed and is being recorded. Chairperson Drummond went through the procedure of the meeting. There will be no in person public participation. There are three Public Hearings and public comments will be taken after the Board has asked its appropriate questions. These are applications that the Board has reviewed and now the neighbors will have a chance to speak regarding these, as the Board acknowledges that they will know the property better than the Board members. They will be given instructions on how to participate at the appropriate time. There are a few reviews, which generally are the first time the Board is seeing these applications. There will be no public comments on any of these reviews this evening. Neighbors will be noticed on these applications at the appropriate time. She thanked everyone in advance for their cooperation.

Chairperson Drummond stated that the next meetings would be Tuesday, May 24, 2022, and Tuesday, June 28, 2022.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held March 22, 2022 as amended. Voted and carried unanimously.

PUBLIC HEARINGS:**PUBLIC HEARING – Appeal 4027 – Daniel Cabibbo (6457-04-563475)**

Daniel Cabibbo, 191 Creekside Rd. Hopewell Junction, is requesting a 9' sideline variance to allow a proposed (510 sf) garage and a 27' rear line variance to allow a proposed (950 sf) addition, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Daniel Cabibbo was present.

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

Chairperson Drummond stated the Board did review this application at the last two meetings. This is an existing four-bedroom house with an existing two car garage. The applicant is looking to add a ground floor addition and a one car garage for his parents. The addition will have one-bedroom, 1 1/2 baths, and a den. This expands the existing footprint of the home which is why it is going into the setbacks. The Board has expressed concern regarding the size of the house and the number of bedrooms versus the septic size. For some potential buyer this could be considered a six-bedroom house. Mr. Cabibbo has told the Board that he would be taking one of the bedrooms out of commission. According to the Department of Health and the Building Department that is allowed. There will be a note made in the file and certain restrictions for the ability to use that room in future use. This still does not preclude the next owner from using it as a six-bedroom house. The Board does need to recognize that if someone does exceed the four bedroom limit, they are ruining their own septic. Chairperson Drummond stated her biggest concern is that the house already has two garages. If they did not add this one car garage it would eliminate the need for some of the variances. Mr. Cabibbo stated there are three car garages in this neighborhood. This additional garage will help keep the outside of the house tidier by supplying more storage. Chairperson Drummond asked if he has spoken with his neighbors regarding this. Mr. Cabibbo stated he did try to reach out to the neighbor behind him, but they were not home.

Chairperson Drummond asked if there were any questions or comments from Board members. Mr. Limitone stated they did discuss a few different issues with the septic. One being making one less bedroom by removing the closet. Mr. Rickett stated a letter would be written and notarized stating that the applicant will decommission a bedroom and it goes into the file for that property. There will be notations in the computer programs as well. Mr. Cabibbo stated he did reach out to the Department of

Health and they said that is acceptable as long as they have a letter and approval from the Building Department.

Chairperson Drummond asked if there was anyone else to speak for or against this application.

Maya Majumdar from 184 Creekside Road asked exactly where the garage would be going. Mr. Cabibbo stated it is catty corner to the existing garage. He stated that she will be able to see the front of the one car garage. It will look like an L-shaped house from the front. Ms. Majumdar asked how long the construction will take. Mr. Cabibbo said he would like it done as quickly as possible. There is a lot of work to do and he will be doing some landscaping and tree removal as well. Chairperson Drummond stated he needs to get a Building Permit and that gives him a year to complete the work. The permit can be renewed if necessary but then he has to pay another fee.

Luis Garcia stated he is just looking for a timeline. Chairperson Drummond stated most times they try to get the outside work done before winter and do the inside work then. She said it may not take the full year, but that is how long the permit is good for.

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

Chairperson Drummond stated they have 62 days to make a decision, but that their intention will be to issue the decision at the next meeting.

PUBLIC HEARING – Appeal 4029 – Nicholas Barbaria (6557-03-150030)

Nicholas Barbaria, 24 Prentiss Dr. Hopewell Junction, is requesting a 2' height variance to allow an existing 6' fence located in the front yard, pursuant to Section 194-98 of the Zoning Ordinance.

Nicholas and Kristin Barbaria were present.

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

Chairperson Drummond stated the Board reviewed this application last month. This fence is only on one side of their property. It ends 15 feet before the edge of the roadway. They do have plenty of sight distance. The last section or two of the fence drops down to 4 feet high. This gives them privacy and helps to keep toys and kids on their own property.

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

Chairperson Drummond asked if there was anyone from the public to speak for or against this. Kristen McGowan, 27 Prentiss Drive, stated she is in support of this application.

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

APPEAL NUMBER: 4029

APPLICANT: Nicholas Barbaria

NAME OF PROJECT: Request for a 2' height Variance from Section 194-98 of the Town Code for a 6' fence located in a front yard

LOCATION: 24 Prentiss Dr., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6557-03-150030

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant previously installed the fence, and applied to the ZBA to resolve any outstanding issues; and

WHEREAS, the fence shields the Applicant's driveway from the adjacent neighbor; and

WHEREAS, the Applicant has represented that the fence is not located in a right-of-way and does not create any safety issues; and

WHEREAS, the fence was installed for safety reasons; and

WHEREAS, there is an existing shed located at the Property which does not appear to meet the Code requirements, but the Applicant represented that he plans to remove the existing shed and replace the shed in a location that complies with code; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on April; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on April 26, 2022; 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 as the Property will remain residential in nature;

The desired result cannot be achieved by some other means due to the location of the driveway;

The Variance could be deemed substantial, but the fence matches the adjoining neighbor's fence;

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request of Nicholas Barbaria for a 2' height Variance from Section 194-98 of the Town

Code for a 6' fence located in a front yard.

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 James Meier

The votes were as follows:

Board Member James Meier	Aye
Board Member Aziz Ahsan	Aye
Board Member Rocco Limitone	Aye
Board Member Brandon Rodas	Absent
Chairperson Norma Drummond	Aye

PUBLIC HEARING – Appeal 4031 – Dominic Coscio (6457-01-049752)

Dominic Coscio, 103 Vicki Ln. Hopewell Junction, is requesting a 10' side line variance to allow a proposed 24'x30' (720 sf) detached garage, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Mr. Dominic Coscio was present.

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

Chairperson Drummond stated the Board reviewed this application last month. The applicant is looking for a 24-foot-wide garage, which is essentially a two-bay garage. 30 feet be would the depth, so that will leave a little extra room for storage. Septic is in the rear of the house. This does allow for a small walkway. The siding on the garage will be vinyl that will match the existing house. It will be 17 feet high at the top of the ridge line, but it is really a one-story garage.

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

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

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

APPEAL NUMBER: 4031

APPLICANT: Dominic Coscio

NAME OF PROJECT: Request for a 10' sideline Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107 of the Town Code for a proposed 24x30 (720 sf) detached garage

LOCATION: 103 Vicki Ln. Hopewell Junction (the "Property")

TAX MAP NUMBER: 6457-01-049752

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the shed is proposed for the top of the driveway and behind the frontline of the house; and

WHEREAS, there are locational limitations on the Property due to the narrowness of the lot and the location of the septic system; and

WHEREAS, the Applicant removed a storage shed prior to finalizing his application; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on April 20; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on April 26, 2022; 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 as the Property will remain residential in nature;

The desired result cannot be achieved by some other means due to the location of the driveway;

The Variance could be deemed substantial, but the Applicant has proposed the most logical location for a detached garage;

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby approves the request of Dominic Coscio for a 10' sideline Variance from the requirements of the Schedule of Bulk Regulations and Section 194-107 of the Town Code for a proposed 24x30 (720 sf) detached garage.

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 James Meier

The votes were as follows:

Board Member James Meier	Aye
Board Member Aziz Ahsan	Aye
Board Member Rocco Limitone	Aye
Board Member Brandon Rodas	Absent
Chairperson Norma Drummond	Aye

REVIEWS:

REVIEW – Appeal 4030 – Kevin Chorlins (6555-00-855659)

Kevin Chorlins, 380 Rushmore Rd. Stormville, is requesting a 38' front yard variance to allow a proposed 18'x30' (520 sf) carport and a 44' front yard variance for a pre-existing non-conforming

dwelling, pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations of the Zoning Ordinance.

Reuben Buck was present.

Chairperson Drummond stated that this application was reviewed last month and the Board had concerns regarding the proposed carport being so close to the property line. The applicant had told them that the property line was in the road bed. The Board also requested an updated survey. Mr. Buck stated he has prepared several different configurations of the carport. He does believe this proves the one they showed on the original plot plan is the best location and most feasible. That does place it closest to the property line but allows for a vehicle to easily maneuver from the driveway and pull in front first and still have room to back out onto the driveway. The second version shows flipping the carport 180 degrees and pushing it away from the front yard. This pinches off the usable driveway area so cars will be traversing onto the lawn to back into the carport. They would then need to back all the way down the driveway or do a lot of maneuvering to get the front end forward. The third figure moves the carport 90 degrees. The vehicle would pull straight into the driveway. This does block the existing walkway and places the storage area towards the steep slope part of the yard making it difficult to access equipment stored in there. It also does not allow the car much turning ability to get back out of the driveway. They would have to climb an embankment part of the yard to do the turn. They do understand that the first version creates the most substantial variance but they do believe it is the most practical and usable proposal.

Chairperson Drummond stated the house was built before zoning as it was built in 1963. She stated that is one of the issues that needs to be cleaned up, as the house is too close to the roadway. The house itself does not have any garage.

Chairperson Drummond asked what the exterior would look like. Mr. Buck stated that the exterior of the carport will be cedar nickel gap siding. There is some down lighting proposed that will be facing away from the roadway. He does believe it will match nicely with the existing house, which has a wooded façade.

Chairperson Drummond asked Mr. Buck to describe the construction of the carport. Mr. Buck stated the storage area is completely enclosed and will have double doors on the end. There will be a rear door that leads into the carport area itself. There are approximately 5 posts at the rear of the carport spaced 6 feet apart. This will be the side facing the road. The side opposite is the storage area side which will have three posts and will be open and that side will be facing south.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Meier stated that the house is closer to the road than the carport will be.

Chairperson Drummond asked if the survey shows the property line. Mr. Buck stated he did not remember any discussion regarding the accuracy of the property line.

Chairperson Drummond stated she noticed there is a second driveway on the other side of the house. Mr. Buck stated it is not really a driveway. It is more of a pull off to just park one vehicle. He does not believe it is used much as it requires backing out onto Rushmore Road.

Chairperson Drummond asked about the chicken coops on the property. Mr. Buck stated the owner says he has not owned chickens. They are chicken coops, but he uses them for storage of garden tools. They were moved into the side line setback area and they put a note on the plan that the chicken coups are not allowed to be used for livestock or poultry.

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

MOTION made by Aziz Ahsan, seconded by James Meier, to advertise and set this for Public Hearing for the May 24, 2022 meeting. Voted and carried unanimously.

REVIEW – Appeal 4032 – John Thom (6557-02-628790)

John Thom, 87 Stormville Rd. Stormville, is requesting a 23' side line and a front yard variance to allow an existing (1027 sf) barn, pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulation of the Zoning Ordinance.

Mike Gillespie and John and Tara Thom were present.

Chairperson Drummond stated this was the first time they are seeing this application and she asked when this barn was built. Mr. Thom stated he believes the foundation and sub floors were put in during the late 1700s. There is more conventional lumber upstairs on the exterior walls but everything inside is post and beam. It is a very old barn. Chairperson Drummond stated she believed it was not in great shape. Mr. Thom stated it is in better shape than it looks. He stated if they are allowed to keep it, he is looking to replace the siding and put a new roof on it. Chairperson Drummond stated they like to hear that things are being maintained.

Mr. Gillespie stated this is a three-lot subdivision. This is at the intersection of Stormville Road and Bykenhulle Road. They're looking to keep the barn on Lot 2 and are proposing a flag lot on the right of that. They have a 50-foot requirement for that flag lot which leaves them approximately 2 feet on the side yard for the accessory barn. There is no way to get a new home on this property without making this the accessory structure on the front yard. The barn is just over 1,000 sq. ft. He did not know if there

was a limit on the size of the barn. Chairperson Drummond stated a garage is maxed at 750 feet but does not believe there is anything specific for a barn. Mr. Rickett stated he believes that size maximum was for garages only. Chairperson Drummond stated the variance should be to allow an accessory structure in the front of the house.

Mr. Rickett asked about the elimination of some of the driveways, including the road behind the barn. Mr. Gillespie stated the flag lot will have its own individual driveway. There is also a portion of a circular driveway that goes around the perimeter of the barn. The request was to eliminate the portion that came onto the flag lot so that will be removed. It will be highlighted on the next application. Chairperson Drummond asked if that drive was going to stay on Lot 2's property. Mr. Gillespie stated they could take that off as well if necessary. There is also a curb cut out onto Stormville Road next to the driveway for the flag lot. That will be removed as well.

Mr. Meier stated the barn will be along the pole part of the flag lot so there will not be any house next to that part of the lot. Chairperson Drummond stated someone pulling into the driveway will see the back of this barn every single day. She asked if there was screening proposed behind the barn. Mr. Rickett stated there is nothing there currently. Mr. Meier stated there will be 2 feet of property so they could put up something if they needed to.

Mr. Gillespie stated the intent for the subdivision is for the family to build on these lots. The intent is not to sell it to someone at this point so if at a later date it is sold, the buyer could then decide if they like to view of the barn side or not. Chairperson Drummond asked what would happen if something happened to this barn and it was no longer there. She stated they only reason they are looking at this is because it is nice to see some of these older structures preserved. In the event that that the structure no longer exists would the applicant be willing to have a note on the plans that it is not to be replaced. Mr. Thom stated they are not looking to replace it if something were to happen to it. They have been asked by a neighbor to keep the barn, as it fits into the community.

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

MOTION made by James Meier, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the May 24, 2022 meeting. Voted and carried unanimously.

REVIEW - Appeal 4033 – Jamie Greenwald (6458-03-366440)

Jamie Greenwald, 50 Caties Way, Hopewell Junction, is requesting a 10' side line variance to allow a proposed 14'x20' (280 sf) accessory structure, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Mr. Greenwald was present.

Chairperson Drummond stated this is the first time seeing this application. She asked exactly what this accessory structure would be. Mr. Greenwald stated it is a 14' x 20' shed to hold Christmas items and decorations. Chairperson Drummond asked if there were any other sheds on the property. Mr. Greenwald said no. Mr. Rickett stated they considered it an accessory structure because it is two stories high. Mr. Greenwald stated his wife has lots of stuff to store but this is only 14 feet high and will not be a full two stories high. The second floor will not have full height like the first floor, and they will only be putting boxes up there. The bikes and such will be on the bottom.

Chairperson Drummond asked what the flooring would be. Mr. Greenwald stated it would be on a concrete slab. Chairperson Drummond asked if there would be any motor vehicles stored inside and Mr. Greenwald said no, just a snowblower. The leach fields are right in the middle of his property. They can get the 50-foot clearance in the rear but they can't get to 25 feet on the side because of those fields.

Chairperson Drummond stated the survey is from 2012. She asked if there were any other structures on the property. Mr. Greenwald stated there is a play set behind the leach fields, but they do not need a variance for that location.

Chairperson Drummond asked what the siding would be. Mr. Greenwald stated it would match the vinyl siding of his house, which is a wicker/tan color.

Chairperson Drummond asked if there was any vegetation between the structure and the neighbor. Mr. Greenwald stated he had put in a bunch of trees along the property line. He did speak to the neighbor. Their house is in front of his so this is very far away from their structure.

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

MOTION made by James Meier, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the May 24, 2022 meeting. Voted and carried unanimously.

REVIEW - Appeal 4034 – Jesus Santos (6455-02-828765)

Jesus Santos, 499 Shenandoah Rd. Hopewell Junction, is requesting an 11' front yard variance to allow an existing 20'x33' (660 sf) above ground pool, a 15' front yard variance for the pool equipment and a 17' front yard variance for a 690 sf pool deck, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Jesus Santos was present.

Chairperson Drummond stated they have seen this property before. It was originally in a B1 zone so residential use was not allowed in this is zone. He did go to the Town Board and she believes the property has been re-zoned and he is allowed a residence and a pool there. Mr. Rickett stated he is allowed a residential use for the pool but he does not believe the property has been resolved. Ms. Burke stated the zone has been expanded because it has been a residential use in the past. Even though it is a B1 zone they are allowing R1 zoning based on the fact that it has been a residence for so long. Mr. Meier stated even when it was a convenient store or deli they were still living in the building as well.

Chairperson Drummond stated her concern is if they should allow a pool deck as large as he is requesting. Mr. Meier stated his concern is that the property line is shown in the middle of the road. The property line goes down the middle of the road and on the edge of the property. The road edge is probably 12 or 13 feet closer than what the property line shows. He stated no one can stand on the corner of the house safely at the 15'3" mark and have a car go past. Mr. Limitone stated that there is a little curbed area with a bench. The applicant has done a lot to clean up the outside. Mr. Rickett stated a B-1 zone will still need to have some sort of setbacks. Ms. Drummond stated the 11-foot variance would take this into the middle of the road.

Chairperson Drummond stated the noise from the pool equipment or pool pump is not going to disturb anyone there. Mr. Meier stated the property abuts the Shenandoah Cemetery. The Baptist church is the next building.

Chairperson Drummond asked if this property was elevated from the road. Mr. Limitone stated no, it is kind of dug in. Mr. Meier stated there is quite a steep slope behind the house. He does not know if there is any room to get the pool behind it to get behind the frontline of the house. The pool is existing, but the deck is not completed yet. Most of it is behind the pool. Chairperson Drummond asked why the deck needed to go all the way around the pool. Mr. Santos stated that way people can jump from anywhere into the pool. If he cannot have it all the way around, they can get rid of that part. Chairperson Drummond stated this property line extends into the street so even though it appears that it's going to be 39 feet to the pool, realistically it is a lot closer from the pool to the edge of the road bed. She stated they do not need drivers driving by getting distracted because they are watching people in the pool. Mr.

Santos stated he could put a fence up around the pool. He has seen it done in the neighborhood. He stated it is just him and his fiancée. They will move the pump and electrical to the back if necessary.

Mr. Meier stated the issue is that the pool is in the frontline of the house. The survey is not showing where the edge of the slope for the backyard is. Mr. Santos stated the lot is irregularly shaped and the pool is not as close to the roadway as the house is. Mr. Meier stated the house does predate zoning. The distance to the road is probably only 12 or 13 feet so there is probably only 20 feet from that closest part of the road line to the pool. He asked how much room they would have to push the whole thing back. Mr. Santos stated there are other pools in the neighborhood that are in the front of the houses and very close to the street.

Chairperson Drummond stated they do understand the circumstances. She asked if he was proposing any screening between the pool and the street. Mr. Santos stated he could put up a beautiful white fence if necessary. Chairperson Drummond stated that would be helpful.

Mr. Meier stated that he would like a survey that shows the property lines. By looking at it now, it shows the pool could fit behind the house and there would be no reason to grant a variance for a pool in the front of the house. He does believe this is a self-created situation as the pool was constructed during Covid when the applicant did not have easy access to the Building Department. The survey is from May of 2020 when it was noticed that the applicant was putting up a pool without a permit. Mr. Santos stated he did try to get into the office, and it was closed. He did leave two messages. He did the pool for his grandson's birthday, and it was all installed with licensed professionals. Chairperson Drummond stated a survey can show 2-foot changes in elevation on the property. Mr. Limitone suggested supplying pictures and measurements. Mr. Santos stated there were some pictures included.

Chairperson Drummond asked how tall the fence he would put in would be. Mr. Santos stated he would put a 4-foot fence if that is the maximum allowed. They could put it on the side of the church and around the driveway. Mr. Limitone stated he is fine with the installation of a fence. The applicant does keep the front of the house nice, and it is nicer than it was prior to his purchase. Mr. Santos stated when he spoke to his attorney about installing the pool she told him to put it on the side of the house not in the back because if something were to happen, all of the water would go into the house if the pool were in the back. On the side it will go out to a drain.

Mr. Meier stated he believes they need some evidence of the topography for the file and the Public Hearing. Mr. Limitone stated there are pictures in the file that show the topography.

Chairperson Drummond stated she believes there needs to be a fence there. Mr. Meier believed they would still be able to see people over a 4-foot fence. Mr. Ashan stated that technically the applicant owns the road and he cannot put a fence on the road. He also asked if the fence was going to go on the top of the existing stone wall. He would like an updated survey. Chairperson Drummond stated there is

room to put the fence close to the pool. The survey is from 2020 so it is current. Mr. Ashan asked about putting up shrubbery instead of a fence. Mr. Rickett stated a pool needs a fence for security. Mr. Santos stated he will be doing landscaping as well. They will move the pump and pool equipment to the back. Mr. Rickett stated it needs to meet the setbacks for an R1 zone.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the May 24, 2022 meeting. Voted and carried unanimously.

REVIEW - Appeal 4035 – Michael Curcio (6655-01-215882)

Michael Curcio, 33 Cherry Ln. Hopewell Junction, is requesting a 22' side line variance to allow a proposed 22'x26' (572 sf) addition to a pre-existing non-conforming detached garage, 24' side line and a 20' front yard variance to allow an existing 23'X24' (552 sf) pre-existing non-conforming garage and a 374 sf area variance for a proposed 1,124 sf detached garage, pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations of the Zoning Ordinance.

Mr. Vale & Mr. Curcio were present.

Chairperson Drummond stated this is the first time the Board is seeing this application. She asked how old the current garage is. She stated this is a detached garage so it can't exceed 960 sq. ft. or 60% of the existing footprint of the house. Mr. Rickett said the house is 1,601 sq. ft. so 60% of that is 960 sq ft. Mr. Rickett stated that the existing garage is 552 sq. ft. The newly proposed is addition is 572 sq. ft. So combined it is the 1,124 sq. ft. He is allowed 750 so that's why he needs the 374 sq. ft. variance.

Mr. Vale stated he believes the original garage was built in the mid-1950s.

Chairperson Drummond asked why they are asking for such a large garage. Mr. Vale stated that the applicant works on cars as a hobby and he is about to retire so this will give him a place to do that. Mr. Meier asked if he worked on his own cars or was this something he was going to be doing as a business. Mr. Vale stated he only works on his own cars. He has a classic car he wants to work on.

Chairperson Drummond stated this is another application where the property line goes into the road. She asked what the actual distance to the edge of the pavement was. Mr. Vale stated from the pavement the existing garage is 22 feet away. The proposed one is a little further back. They don't feel it will be very visible since it is pushed back. Chairperson Drummond stated this is going to be a huge structure very close to the road. She asked what the front of the property looks like and if there was any screening or a

fence. Mr. Vale said no it is just open lawn. Chairperson Drummond asked if there was a garage under the house and Mr. Vale said no.

Mr. Rickett stated there is a brown structure in the back and they were told it is not a garage, but there was a wheel visible in it. Chairperson Drummond stated it is a three-sided structure. Mr. Vale stated it was for storage. Chairperson Drummond stated she did not see anything to block this from the view of the roadway. Mr. Vale stated it is set back behind the existing garage. Mr. Meier asked if the new garage was the proposed hobby garage. Mr. Vale said yes.

Chairperson Drummond stated the application also says they're looking to expand a one car garage into a two-car garage. Mr. Vale stated they are adding one bay to it. Mr. Meier stated it is a very large bay. Mr. Vale stated the applicant wants a workbench area in it. Mr. Meier asked if it could be shrunken down in size so it did not show from the front. Mr. Vale stated he could discuss it with the applicant. Their thought was to pull it forward because it would have a gable end and would be more aesthetically pleasing.

Mr. Meier asked if someone is coming down Cherry Lane how could the applicant make it less visually impactive. Mr. Vale stated he could discuss that with his client. Chairperson Drummond stated if the applicant did not already have garages she could see this, but they already do. She also does not feel this is the only place to put it. Mr. Vale stated the septic is behind the house so they are limited. They are still keeping it within the character of the neighborhood. Chairperson Drummond asked what is on the other side of the garage. Mr. Vale stated he believes there is some natural shrub buffer over there and it does not abut to anyone's lawn. Chairperson Drummond asked how wide of an area of vegetation it was. Mr. Vale stated it is not really planted. It goes along side of the garage. The neighbor's side is wooded and is pretty far away from the proposed garage. He has discussed this with his next-door neighbor, and he can supply letters from them stating they have no issues. He can also discuss some kind of plantings between the properties with his client.

Mr. Ashan stated he thinks they need to review this again at the next meeting. Some of this might be grandfathered in. He asked if the frame shed was being removed or staying. Mr. Vale stated he is unsure. He stated if it would make a difference, he would suggest removing it to his client. It is roughly 12' x 6'.

Mr. Limitone asked if these two garages were being joined together. Mr. Vale said yes this is going to be an addition to the existing garage.

Chairperson Drummond stated if they took down the other shed that would be a better location for this garage. Mr. Vale stated this proposed area is the best location. That area has a slope going down. Chairperson Drummond stated it is a flat area from where a pool was demolished. The frame shed is right behind that.

Chairperson Drummond stated this will need to go back to his client. She suggested either scaling it down or putting in some kind of screening. Mr. Vale stated he will discuss scaling it down and removing the frame shed. He stated his preference would be one building rather than a separate structure. Mr. Meier stated there are different options to come up with different plans for this.

Chairperson Drummond stated paperwork needs to be turned in with time for staff to e-mail it out as the next meeting will be virtual.

REVIEW - Appeal 4036 – Karen LeCain (6358-01-431579)

Karen LeCain, 1031 Route 376, Wappinger Falls, is requesting a 110' front line, 123' left side line, 46' right side line and a 122' rear line variance to run a kennel out of the existing buildings, pursuant to Section 194-55.1 of the Zoning Ordinance.

Karen LeCain was present.

Chairperson Drummond stated this applicant has taken over the Small World Daycare Center. Ms. LeCain stated it is called Mutts Mansion and they will be doing grooming and doggie daycare and hopefully boarding.

Chairperson Drummond believes this is a great place for this proposal. They are adjacent to an industrial area and there is only one residence across the street, which is also zoned industrial. There aren't really any residential neighbors to have issues. This does front onto Route 376 so there are different setbacks.

Ms. LeCain is asking to raise the 3-foot fence to 6 feet high. The permit has been issued, she just needs to pick it up.

Mr. Meier asked if this was the fence on the back corner of the property behind the building and Ms. LeCain said yes. It has been there for 20 years and is only 3 feet high.

MOTION made by Aziz Ahsan, seconded by James Meier, to advertise and set this for Public Hearing for the May 24, 2022 meeting. Voted and carried unanimously.

REVIEW - Appeal 4037 – William Hardy (6657-03-192394)

William Hardy, 68 Brothers Rd. Stormville, is requesting a 13' side line variance to allow an existing 10'x22' (220 sf) storage shed, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

William Hardy was present.

Chairperson Drummond asked if the applicant put this shed up. Mr. Hardy said yes, in approximately 1999. Chairperson Drummond asked if it was visible to the neighbors. Mr. Hardy said yes. He has submitted a letter from the neighbor stating they have no issue with it.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the May 24, 2022 meeting. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 9:27 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary