

Town of East Fishkill

ZONING BOARD OF APPEALS

June 28, 2022

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

Chairperson Drummond led the meeting with the Pledge of Allegiance.

CHAIRPERSON’S COMMENTS:

Chairperson Drummond went through the procedure of the meeting. There is one decision for which they have already had the Public Hearing but needed some verification prior to giving their decision. There is one Public Hearing. It is an application that the Board has had the opportunity to review and wants to hear from the neighbors in case there are any concerns the Board should be aware of as the neighbors know the property better than the Board. She also reviewed the rules for how to speak during the public speaking sections. Then there are a few reviews, which is usually the first time the Board is seeing these applications. They will spend a little more time on these to fully understand what it is the applicant is asking for and why. She also stated there is a vacancy for both a Board member and an alternate on the Zoning Board, so if anyone is interested, they should submit their resume to the Town Supervisor.

Chairperson Drummond stated that the next meetings would be Tuesday, July 26, 2022 and Tuesday, August 23, 2022.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held May 24, 2022, as amended. James Meier abstained. All others voted aye. Motion carried.

DECISION:

DECISION - 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 and the Schedule of Bulk Regulations of the Zoning Ordinance.

John and Tara Thom were present.

Chairperson Drummond stated they reviewed this last month they needed to verify that there are no other variances needed for this application. Attorney Cunningham stated they did not see any.

APPEAL NUMBER: 4032

APPLICANT: John Thom

NAME OF PROJECT: Request for a 23’ side line variance and a front yard variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations (the “Variances”)

LOCATION: 87 Stormville Rd., Stormville (the “Property”)

TAX MAP NUMBER: 6557-02-628790

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant applied to the Town of East Fishkill Planning Board for a 3-lot subdivision on 6.79 acres; and

WHEREAS, the Planning Board referred this application to the ZBA at its March 29, 2022 meeting as there is an existing barn at the Property (the "Structure"), which dates back to approximately 1800 located in the front yard and which would not meet the side yard setbacks if the lots were subdivided; and

WHEREAS, the Applicant has committed to restore the Structure; and

WHEREAS, the Legal Notice was published in the Southern Dutchess News on May 18, 2022; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on May 24, 2022; and

WHEREAS, the Public Hearing was closed at the May 24th Meeting and the ZBA reserved decision to confirm that no other Variances are required; and

WHEREAS, Town staff has since reviewed the Applicant's plans and does not believe that any other Variances are required for the subdivision as proposed; and

WHEREAS, this is an unlisted Action under SEQRA; and

WHEREAS, the Planning Board and ZBA are completing uncoordinated reviews of this matter pursuant to 6 NYCRR 617.6(b)(4) of the SEQRA regulations; and

WHEREAS, both the Planning Board and ZBA shall each make their own determination of significance; and

WHEREAS, the Zoning Board of Appeals finds that:

The granting of the Variances will not produce an undesirable change in the character of the neighborhood as the Structure is existing and has been there for well over 100 years and it was noted that the house across the street has a garage located even closer to the street than this barn;

The desired result cannot be achieved by some other means due to the location of the existing Structure and the limited area in which a driveway can be placed for the lot to be subdivided;

The Variances could be deemed substantial but will be mitigated by the proposed restoration of the Structure and the historic and rustic character of the Structure within the neighborhood;

The Variances 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:

1. Finds that 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. Approves the request by John Thom for a 23’ side line variance and a front yard variance from the requirements of Section 194-107 of the Town Code and the Schedule of Bulk Regulations subject to the Applicant restoring and painting the Structure and providing the opinion of a registered architect or professional engineer that the Structure is stable; and
3. Limits this approval to the existing structure only. In the event of catastrophic damage to this Structure, no new structure will be allowed in this location.

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

Chairperson Norma Drummond Aye

PUBLIC HEARINGS:

PUBLIC HEARING – Appeal 4038 – Alberto Paratore (6356-01-365933)

Alberto Paratore, 109 Broadway, Hopewell Junction, is requesting a variance to allow an existing generator to be located in the front yard, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Alberto and Mary Paratore were present.

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

Chairperson Drummond stated they did review this application last month. In this case the applicant did everything they were supposed to do. At the final inspection the Building Inspector found that the generator might not be where it is supposed to be according to the regulations. This generator is approximately 400 feet off the roadway so it will not be visible from the street. It is an emergency generator and there is a retired senior living in the home.

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

APPEAL NUMBER: 4038

APPLICANT: Alberto Paratore

NAME OF PROJECT: Request for a Variance from the Schedule of Bulk Regulations to allow an existing generator to be located in the Front Yard

LOCATION: 109 Broadway, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6356-01-365933

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the Applicant received a Building Permit from the Building Department to install a generator; and

WHEREAS, upon final inspection, the Building Department determined that a Variance would be required; and

WHEREAS, the generator will only be used during emergencies and is located approximately 400 feet away from the road; and

WHEREAS, this is a Type II action under SEQRA, and no further review is required; and

WHEREAS, the Legal Notice was published in the Poughkeepsie Journal on June 24, 2022; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on June 28, 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 generator is located approximately 400 feet away from the road, so will not be visible from those passing by;

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

The Variance is not substantial;

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 from Alberto Paratore for a Variance from the Schedule of Bulk Regulations to allow an existing generator to be 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 Aziz Ahsan

The votes were as follows:

Board Member James Meier Aye

Board Member Aziz Ahsan Aye

Board Member Rocco Limitone Aye

Chairperson Norma Drummond

Aye

REVIEWS:**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'x24' (528 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.

Richard Vale, Michael and Stephanie Curcio were present.

Chairperson Drummond stated they did review this application last month. She stated the Board suggested last month that the applicant go back and revisit the proposed location and see if this could be moved back. The scale is also quite large. Mr. Vale stated he went back and re-walked the site. It is a bit of an undersized lot for this zone and the backyard drops off right past the existing shed, so it is really not feasible to do a separate detached garage back there. They also believe that having a third building on the site would not be as aesthetically welcoming as having just two buildings. Further back in the yard is the septic field. Their current positioning actually angles it a little bit away from the side yard. They do believe that the existing garage was built in 1960, prior to zoning. They did reduce the overall massing of the garage. On the previous proposal they had it coming forward in front of the existing garage. Now it is shown as being flush with the existing garage. He also presented some pictures of surrounding properties that have three car detached garages in the neighborhood. The applicant also approached the neighbors on all sides and have letters of support for this application.

Chairperson Drummond asked what type of screening they were using to hide the structure from the roadway. It is still a very large structure, very close to the road. This building is only one car length away from the edge of the road. Mrs. Curcio stated there are large ornamental grass planted in front of the house and a weeping cherry tree. She can add more ornamental grass in the front. There are also

large plants along the driveway. Mr. Vale stated the driveway runs right next to the building so they can't screen that close to it. Mr. Ashan stated the screening that is showing on the picture is only 3 to 4 feet high. Along the Cherry Lane side it might be possible to put in some additional plantings. Chairperson Drummond stated the ornamental grass is only high in the summer.

Chairperson Drummond stated there is a footprint of an old pool in the back. She asked why the applicant could not move the garage back there and attach it to the existing shed. They already have an undersized lot that they are working with. The area is zoned for a 3-acre lot, and he is at 1.264. Mr. Curcio stated that where the shed is where the old pool pump was and next to the shed appears to be what was a well with valves for the pool. The pool was filled in before they purchased the house. He would like to retire on this property and would like to upgrade this parcel. His concern would be if they were to knock down the shed and put the new garage there, he feels that would be an eyesore. Mr. Vale stated that would leave a very small space between the existing garage and a proposed garage. The applicant wants to put in a patio with a sitting area and possibly a fire pit where the old pool was. He just wants to add to what is existing already. They could lower the height of the proposed addition if that would help. He stated there are neighbors all around that have larger additional structures. Mr. Vale stated the plan is to also update the existing garage as well. Mr. Curcio stated they also want to pave the driveway. Mr. Meier asked if the concrete cover was for a septic tank and Mr. Curcio said no. It is the valves for the pool that was there. Chairperson Drummond stated then they could get rid of that and make it a buildable area. Mr. Curcio stated he does not know if it is a well that the pool was filled from. When the cover is taken off there are valves.

Chairperson Drummond stated the structure they are proposing will be 45 feet long and 22 feet wide. It is also proposed to be 20 feet high at its peak. The applicant is asking to take the nonconforming structure and make it bigger. She asked why it needs to be that high. Mr. Curcio stated they want to use it for storage. He stated if he can't put things up in the rafters, they can reduce the height.

Chairperson Drummond stated if she were to take the measurements for the footprint of the garage, it would be the same as the current footprint for his house. It is a very large structure, and they are proposing for it to be right on the road. She stated if they moved it to the footprint of the old pool it could be tucked away, and they could put screening in front of it to hide it better. The applicant does have the opportunity to make it less obtrusive as opposed to bringing more attention to it right up at the edge of the road. Mr. Curcio stated he respectfully disagrees. He is paying a lot of money for plans for

Mr. Vale's services and does not understand why putting up another structure is better than adding on to the existing one.

Mr. Meier stated the legality that they are dealing with is increasing the nonconformity. Since the garage was standing before zoning, they could keep that but to increase it is another issue. He stated looking at the plans and the joists are 12 feet up. He asked what storage would be added up there. There is no storage showing in the original plan that was submitted. Mr. Vale stated they have not fully designed the inside of the garage yet. The beam that is showing is a collar tie. Mr. Meier stated the way they are showing it there is no floor space for an attic.

Mr. Ashan asked if the shed in the back was going to stay. Mr. Curcio stated the shed is really just a cabana. It has no doors on it. There are two changing stations with curtains only. He would like to take it down and make it into a patio area with a possible fire pit and a table and chairs.

Mr. Limitone asked the applicant to explain what he is seeing now when you drive past. Mr. Curcio stated if you were driving north, you will see the side of the garage. If you were driving south, you will see two garage doors. Mr. Limitone asked what they would see if this were approved and completed. Mr. Curcio stated driving south he will see the two-car garage, the driveway, and at the back of the garage he would see another garage door. There are approximately 8 pieces of ornamental grass in the front of the house. It grows to approximately 6 feet high. He stated on several occasions, backing out of his driveway he has almost gotten hit because of the ornamental grass, and he cannot see the road. In the wintertime the grass turns brown and once it gets cold, they cut it down to the ground. If necessary, he will leave it brown and not cut it back. He believes with the ornamental grass there you can't see the side of his garage. Mrs. Curcio stated she will also put in some evergreens in the back to cover the new garage area. Mr. Meier stated that they cannot block the doorway with the evergreens.

Chairperson Drummond asked why she cannot see anything beyond the garage on the proposed elevations. Mr. Vale stated he believes it is a straight view on and you won't be able to see anything. Chairperson Drummond stated it will be flush and it will be visible. She asked what the width of the garage doors was and Mr. Vale said he believes it will be the standard 9 feet.

Chairperson Drummond stated that they have shown examples of other garages in the neighborhood. She asked if they were happy that those were in the neighborhood. Mr. Curcio stated not the one next door as it is run down. He is trying to make his look better. He stated the other garages are a quarter of a

mile up Cherry Lane. There are three separate garages that are three door garages, and you can only put one car in front of each one before the back of the car is at the roadway. There is another picture of an enormous garage on Leetown Road. He does not think what he is proposing is as large as that. He is a mechanic by trade and loves to work on classic cars, which is why the garage is being built. He has two classic cars, and he wants a place to work on them or park his wife's new car in.

Mr. Meier asked if there were any way to continue the gable the same way as the existing garage. Mr. Limitone stated he feels that would look more like recreation center. Mr. Curcio stated he feels that would look ugly.

Chairperson Drummond stated the survey does not have the existing footprint of the house included on it. The survey is from March 2022. The code does allow for garage to be up to 750 sq. ft. or 60% of the footprint of the house. The applicant is asking for 330 sq. ft. larger than is allowed by code. This is something that the surveyor should be able to add. Mr. Ahsan stated the garage will be just a tad smaller than the existing house. He stated the existing garage is grandfathered and but if you were to come before the Board now to put the new garage at the front of the house, it would not get approval.

Chairperson Drummond stated he could put up a new building in the back, meeting all of the setbacks, and would not need a variance and he would not need to be here at all.

Mr. Curcio asked why they were told to resubmit submit plans for this meeting. Chairperson Drummond stated the Board has not made any decision yet. They have not heard from the neighbors. They did ask that the applicant shrink it back. She stated that based on that conversation last month the applicant did shrink the size of it some. She stated she raised the question last month as to why it could not be pushed back to where the pool had been. She stated if the applicant shows that there were truly no other options the Board is much more sympathetic to a hardship. Mr. Curcio stated he has been planning and saving this for years and he does not want to waste his funds doing more plans. He will scale back the garage even more if that's what he needs to do. Mr. Meier stated that they are saying they need the height for storage, but there is no storage showing inside and this is much higher than the existing garage.

Chairperson Drummond stated the applicant has acknowledged they don't have an internal plan yet. That does make it difficult to justify an addition of this size. She stated they have asked applicants in the past to give a floor plan of how the inside is expected to be laid out. It is not an unreasonable request for them.

Mr. Limitone stated the applicant said that he would be storing two classic cars in there. He asked what additional space he saw being in there. Mr. Curcio stated he plans to park his wife's car in there and pull it out when he needs to work on the cars or hobbies in the garage. The two classic cars he has are parked in the existing garage. Chairperson Drummond stated a typical 2 bay garage would be 24' x 24' and the applicant is proposing a one-bay garage at 22' x 24'. It is a very large one-bay garage.

Chairperson Drummond suggested that the applicant come back next month. She does not believe this is ready for a Public Hearing at this point, as they still don't know exactly what they are doing. She suggested the applicant discuss what is really important and what they're asking for. Mr. Ashan stated they should have the property dimensions, the house dimensions, and how the space will be laid out inside the proposed garage.

Mr. Meier asked if the roof slope of the addition was the same as the existing roof. Mr. Vale stated it is a bit steeper. He believes it is a 5 to 6 pitch. He stated they could bring it down to a 3 to 4 foot to bring it to the existing one.

Mr. Ahsan stated that anything that the applicant can do to make it less visible would be of benefit. He also suggested the applicant bring in a landscape plan.

Mr. Limitone stated that they all understand what the applicant is trying to do. The main issue is that the code only allows a certain size due to the size of the home. That's why the Chairperson explained that they need the variances to make an existing building so much larger, but they would not need any variances to put up a new building further back on the property.

REVIEW – Appeal 4039 – Courtney Schettino (6358-04-935358)

Courtney Schettino, 13 Wright Blvd. Hopewell Junction, is requesting a 16' side line variance to allow a 24'x 30' (720 sf) garage addition and a 13' side line variance for a 12'x16' (192 sf) deck, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Amy Bombardieri was present.

Ms. Bombardieri stated the applicant needs more livable space. It is not going to be an accessory apartment. It will be attached through a breezeway to the existing structure. It will be a two-car garage

with a 24-foot width. The 30-foot depth is not where they need the variance. They need the variance for the side yard.

Chairperson Drummond stated she walked out to this site. This property is set up on a hill. There is lots of screening on the sides. It will not be very visible from the roadway. It is a very dark colored house. Ms. Bombardieri stated the addition will be matching the existing house.

Chairperson Drummond asked if the driveway would be redone. Ms. Bombardieri stated they will be taking down two sheds once there is a dumpster on the property and she will ask them about the driveway.

Chairperson Drummond asked if there were any comments or questions 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 July 26, 2022 meeting. Voted and carried unanimously.

REVIEW - Appeal 4040 – John Granger (6459-04-968279)

John Granger, 41 Blackberry Way. Hopewell Junction, is requesting a 407 sf size variance for a proposed 757 sf pool house, pursuant to Section 194 -107. D of the Zoning Ordinance.

Amal Zimmer and John Granger were present.

Chairperson Drummond stated this is in the Covered Bridge development.

Mr. Zimmer stated the applicant is looking to construct a pool house. They are aware of the zoning issues for up to 750 sq. ft. or 60% of the footprint of the house. They are proposing 757 sq. ft. This application is for 27% of the footprint of the house. It does meet all of the setbacks and the heights. The only variance that they do need is allowing for over the 750 sq. ft. It is located away from the house so they are not looking at the roof, as the house is higher than the pool house. There is also a beautiful Koi pond and a sitting area. This does not affect any of the neighbors and there is no one behind them. This will be a one-story construction.

Chairperson Drummond stated it does show some storage. She asked the applicant what that would be for. Mr. Granger stated it would be for chairs and pool stuff. Mr. Zimmer stated this will be an outdoor sitting area and bar area where they would be able to watch a football game.

Mr. Zimmer stated there is a small shed that will be taken down as they are not allowed to have two accessory structures. Chairperson Drummond asked if they have a detached garage and Mr. Zimmer said

yes. Chairperson Drummond asked Mr. Ricket if the shed needed to be taken down. Mr. Ricket said it did not need to come down. As the applicant is getting a permit for this and the shed is undersized it can remain. Mr. Zimmer stated it would be coming down anyway.

Chairperson Drummond asked if there were any comments or questions 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 July 26, 2022 meeting. Voted and carried unanimously.

REVIEW - Appeal 4041 – Fausto Gonzalez (6457-02-591795)

Fausto Gonzalez, 7 Angela Ct. Hopewell Junction, is requesting a 10' rear line variance for a proposed 14'x14' (196 sf) pavilion, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

No one was present.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to adjourn the Zoning Board meeting at 8:13 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary