

Town of East Fishkill

ZONING BOARD OF APPEALS

August 23, 2022

Chairperson Drummond called the Zoning Board of Appeals to order with a roll call. Those present were Rocco Limitone, James Meier, Aziz Ahsan, Alberto Paratore, 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:

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. The Town Hall is being used as a polling place, and therefore there is no room for this meeting to be held there. There are two 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. She reviewed how people could make comments during the Public Hearings. She welcomed Alberto to the Board. There is still an alternate position available, so if anyone is interested, please get their resume to the Town Board.

Chairperson Drummond stated that the next meetings would be Tuesday, September 27, 2022 and Tuesday, October 25, 2022.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held June 28, 2022, as amended. Voted and carried unanimously.

PUBLIC HEARINGS:

PUBLIC HEARING – Appeal 4039 – Courtney Schettino (6358-04-935358)

Courtney Schettino, 13 Wright Boulevard, Hopewell Junction, is requesting a 16’ side line variance to allow a 24’x 30’ (1,490 sf) attached garage with addition above and a 13’ side line variance for a 12’ x 16’ (192 sf) deck, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Brian Stokosa and Courtney Schettino was present.

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

Chairperson Drummond stated they did review this application two months ago. She did do a site visit at this application location. It is set up on a hill and the house is fairly dark, so it blends in well with the trees. There is a lot of vegetation and screening on both sides. There is plenty of room at the top of the driveway to put this garage addition on. She does not believe it will be impactful to the neighbors due to the abundance of screening. One important thing to note is that there will be living space above the garage, but it is attached to the home, so it is not a detached garage.

Mr. Stokosa stated he believes the applicant is friends with the neighbor and has had a discussion with them. Chairperson Drummond stated the screening there are evergreens so it will be year-round.

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: 4039

APPLICANT: Courtney Schettino

NAME OF PROJECT: Requests for: (i) a 16' side line Variance from the Schedule of Bulk Regulations to allow a 1,490 sf garage with addition above; and (ii) a 13' side line variance from the requirements of the Schedule of Bulk Regulations and Section 194-94 of the Zoning Ordinance for a 12'x16' (192 sf) deck (the "Variances")

LOCATION: 13 Wright Boulevard, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6358-04-935358

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the Applicant desires more livable space; and

WHEREAS, the proposed garage will be attached to the existing house via a breezeway; and

WHEREAS, the siding of the addition will match the existing house; and

WHEREAS, two existing sheds at the Property will be removed after the proposed garage is constructed; and

WHEREAS, the Property is located on a hill and has ample screening on its sides; 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 Southern Dutchess News on August 17, 2022; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on August 23, 2022; 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 Property will remain residential in nature;

The desired result cannot be achieved by some other means due to the layout of the Property;

The Variances could be deemed substantial, but there is adequate screening which would mitigate any visual impacts;

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 approves the request from Courtney Schettino for (i) a 16' side line Variance from the Schedule of Bulk Regulations to allow a 1,490 sf attached garage with addition above; and (ii) a 13' side line variance from the requirements of the Schedule of Bulk Regulations and Section 194-94 of the Zoning Ordinance for a 12'x16' (192 sf) deck.

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 Alberto Paratore Aye

Chairperson Norma Drummond Aye

PUBLIC HEARING – 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.

John Granger were present.

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

Chairperson Drummond stated they did review this application two months ago. She stated this is a 1 acre zone area and the applicant has 1.178 acres. The building inspector has been out to the site and has acknowledged that there is a lot of screening and vegetation on the site. The applicant already has an inground pool centered in the back of his yard. He is looking to put a pool house covering over some of the existing pavers. She stated she personally does not feel this will be impactful on anyone due to all of

the screening. She stated that the code does allow for a 350 sf Accessory structure and this is greater than that 350 sf.

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: 4040

APPLICANT: John Granger

NAME OF PROJECT: Requests for a 407 sf Variance from the requirements of Section 194-107(D) of the Town Code for a proposed 757 sf pool house

LOCATION: 41 Blackberry Way, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6459-04-968279

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member James Meier

WHEREAS, the Applicant is proposed a 757 sf pool house, which is less than 30% of the footprint of the house;
and

WHEREAS, the proposed pool house meets all other setbacks and there are no neighbors behind the Property;
and

WHEREAS, the proposed location was selected to minimize visual impacts and to preserve the existing koi pond; and

WHEREAS, the proposed pool house is one story with no residential space; 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 Southern Dutchess News on August 17, 2022 and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on August 23, 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 existing house and natural features of the Property;

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 John Granger for a 407 sf Variance from the requirements of Section

194-107(D) of the Town Code for a proposed 757 sf pool house.

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

Board Member Alberto Paratore Aye

Chairperson Norma Drummond Aye

REVIEWS:

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

Michael Curcio, 33 Cherry Lane, Hopewell Junction, is requesting a 22’ side line variance to allow a proposed 22’ x 24’ (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’ x 24’ (552 sf) pre-existing non-conforming garage and a 282 sf area variance for a proposed 1,032 sf detached garage, pursuant to Section 194-107 of the Zoning Ordinance and the Schedule of Bulk Regulations of the Zoning Ordinance.

Michael and Stephanie Curcio were present.

Chairperson Drummond stated since the last meeting she has done a site visit. She stated there is a lot of construction going on in many of the homes in the area. There were a lot of garages detached and attached that were very close to the road. Many of them were not in good shape. That is her concern with a detached garage. When structures are so close to the road, they are very visible. When they are not well-maintained, they do become an eyesore. This proposed structure would literally be one car length into the property. There is also a lot going on at the applicant's property. There is a new patio and a lean-to. The lot is already undersized for this particular area. There are other lots in this area undersized as well. She did see the oversized grass but didn't see them as screening the structure well. Coming from the other direction on the road you really see the existing structure. She does have concerns about such a large structure being so close to the road with the existing lean-to there. The applicant already has a two-car garage. There is the option of putting the garage in the back and then the applicant would not need this Board's approval.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Limitone asked if the proposed building was where the filled in pool was. Mr. Curcio said yes. Mr. Curcio stated they also made it smaller from the last time they were before this Board. They made the front look like a barn opening as well. Chairperson Drummond asked if they were the plans the Board had for the July meeting or if the applicant has changed them since then. Mr. Curcio stated he believed they were for the July meeting that was canceled. Mr. Curcio stated their idea is to redo the existing garage and beautify what they have. They plan on making a patio with a sitting area and a fire pit.

Mr. Ahsan stated one of his concerns is that the existing garage is one car length in from the road. He asked if it was possible to close the front of the existing garage and have an opening from the side. He feels when you put these two structures next to each other it looks like a big house next to a garage. He stated there is also a gate. He feels that it is all too close to the road and that the structure becomes too big. Mr. Curcio stated that's why they have scaled it down after each of the last three meetings. They have reduced the height and have gone smaller in length and width as well. He does not feel that they were building an eyesore but has tried to conform to the Board's wishes. They are trying to make it nicer. Chairperson Drummond stated she liked Mr. Ahsan's suggestion. The building on the roadway side is 20'4", sideways is 23'4". A typical garage is 24' x 24'. The architect would have to say whether or not it would be possible to move the garage door to the side. That way all three bays would be on one

side. Mr. Curcio stated anything could be done, but it is a question of cost. Right now, the estimates for the work are between \$100,000 and \$125,000. To close the front and open up the side he believes would add a significant cost. He stated he does not believe that would be in his plans. Richard stated the plan is to redo the front and make it read as one building which they believe will be aesthetically pleasing. He does believe it does include replacing the front garage doors with barn doors so it will all match. The whole existing garage will be getting an upgrade. He stated they originally had a 22-foot addition, and it has been shrunk down to 20 feet. The addition was projecting out towards the driveway, and they have pushed it back, so it is flush with the existing garage. With the new Gambrell design roof they were able to lower the roof by 4 feet from what they originally proposed. They are now down to 16 feet high. They are proposing six arborvitaes on the west side of the driveway for screening. They are also adding additional ornamental grass. Chairperson Drummond stated they do see all of that on the plans. Mr. Meier asked if the barn doors were going to slide open or if they were just going to be roll up doors that looks like barn doors. Mr. Curcio stated his plan was to originally have a true barn door that swings open, but the builder suggested putting on garage doors that look like a barn door and they will open up into the garage. Mr. Meier stated rolling garage doors will require less structural work. He had expressed concern about the size of the addition, and he does acknowledge that the applicant has worked hard to reduce the size of the footprint. Mr. Limitone stated this appears to be a different style than the original application. Mr. Curcio stated yes, they did take into consideration the Board's concern regarding the height of the garage and with this new design they were able to shorten it by 4 feet but still be able to use the top half for storage space. Mr. Limitone stated they do appreciate their taking the Board's concerns into consideration. He stated he does not have an issue with the garage doors facing the street that close to the road. He does see a lot of that in the Town. He states he believes this is an upgrade versus looking at a concrete pad. His concern is for them backing out of the driveway and a limited site distance with screening there. He does believe it will provide a nice coverage for the site.

Mr. Ahsan stated they are spending so much money already on the structure that having all three bay doors on the same side would force everyone to come into the asphalt driveway and be consistent. He does understand the increased costs but feels it would be an improvement on the structure. He believes that would make it much more aesthetically pleasing. He does not have a problem with the applicant moving forward either way. Mr. Limitone stated he believes the cost to move the doors would also include changing the roof line and would be cost prohibitive. Mr. Curcio stated it is a concrete structure which makes it much more complicated to modify than if it was a 2 x 4 wood frame.

MOTION made by Aziz Ahsan seconded by Rocco Limitone, to advertise and set this for Public Hearing for the September 27, 2022 meeting. Voted and carried unanimously.

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

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

Matthew Santis was present.

Chairperson Drummond stated this is the first time the Board is looking at this application. She asked the applicant to explain what they were looking for. Mr. Santis stated the building was put up and then he was told he needed a variance because there was a problem with the distance between the building and the property line. He stated the property is an odd shape, very triangular. he was under the impression that the pavilion that was built met the required distances. He found out after fact it did not. He stated he is the builder for this application.

Chairperson Drummond asked exactly what the new construction was. Mr. Santis stated it is a 14 x 14 pavilion that is wide open. It does have a shingle roof on it. There is an outdoor kitchen in it as well. He turned in all of the drawings and a new survey of the property showing where the pavilion is. It is right next to the pool that was just put in as well. Chairperson Drummond stated the June 8, 2022 survey doesn’t have distances listed. There are no lines on the survey that show exactly where the measurements are to and from. Mr. Santis explained it is from the furthest pole to the property lines. Chairperson Drummond stated the survey has no lead lines, so the numbers all over the paper don’t tell them what the measurements are for.

Mr. Ahsan stated he will require a new more accurate survey in order to make any kind of a decision. Chairperson Drummond stated they need to see all of the structures on the property, how close they are to the appropriate side yards, and/or rear yards. She asked how close the propane tanks were to the lot lines. Mr. Santis stated Ray from the Town has been out several times as well as someone else from the Town.

Mr. Ricketts stated he has been out to the site but this referral was to the Zoning Board based on a survey that was done much earlier than the one that is being referenced now. It showed the Pavilion being 40 feet from the back lot line. Mr. Meier stated they also need to know precisely how far away from the lot line all the other things on the property are. They want to make sure everything is the appropriate distance and there are no other violations on the property. Chairperson Drummond stated it appears that the 28.2 feet might be the corner of the shed, but she is not sure because there is also a 33.6-foot marker. Mr. Santis stated the shed has been there a long time. Chairperson Drummond stated that the propane tanks are closer, and they are only allowed a 25 foot side yard in that area. She does not know if that 28.2 feet is to the propane tanks or to the corner of the shed. She stated if they are going to clean up the lot to clean up the whole lot. They definitely need a better survey. Mr. Ahsan suggested going back to the architect or engineer and telling them they need a more detailed explanation of all of the measurements to go before the Zoning Board. Any architect or engineer should know exactly what the Zoning Board needs. Chairperson Drummond stated this is in their best interest because the cleaner map may prove that they don't need any variances at all. Mr. Meier stated the surveyor may be able to do what needs to be done without even going to the property. He might have those measurements someplace. It is unusual to have a map without the lines to explain what is being measured. Chairperson Drummond stated after he gets the map of the measurements he can review it with the office staff to determine whether or not the applicant has to come back before the Board.

REVIEW - Appeal 4042 – Michael O'Halloran (6356-04-562202)

Michael O'Halloran, 11 Lori Street, Poughkeepsie, is requesting to build on an under-sized lot - +/- .86 acre in an R-1 zone on Birch Drive, pursuant to the Section 194-130 of the Zoning Ordinance.

Mike O'Halloran was present.

Chairperson Drummond asked the applicant to explain what the issue is. Mr. O'Halloran stated he is looking to purchase this particular lot from Mr. Spellman. Mr. Spellman had taken his two original lots and combined them into one lot. Mr. O'Halloran stated he believes this lot is a little over .8 of an acre. Prior to this his brother-in-law had purchased a lot a few years ago and made Mr. O'Halloran aware that

they would need an acre to build. Due to that, he decided that he should get information prior to purchasing this lot to make sure that if he does purchase it he would be able to build on it.

Chairperson Drummond asked when this lot was created. Mr. O'Halloran stated he is not sure when the owner did that. She asked if he knows whether or not it predates zoning and that is why it is undersized. Mr. O'Halloran stated the owner told him that he was under the assumption when he put it up for sale it would need a variance because it is below 1 acre but at .8 of an acre most lots are able to be built on. Mr. Meier stated the applicant is doing his due diligence, however in order for the Board to do that they need to know when this lot was created. They need to know the circumstances of the creation of this lot. Mr. O'Halloran stated he believes that Mr. Spellman owns two smaller lots and approximately 5 years ago combined them. Mr. Meier stated that is what they need the details of. Chairperson Drummond asked if this original owner owned additional lots in the area. Mr. O'Halloran stated he is not positive. He does know that Mr. Spellman's family lives in a house in this area.

Chairperson Drummond asked Attorney Cunningham if he knew of any history of this property. He stated normally when a lot is created there is a subdivision plat which gets filed with the County. Sometimes lots get further subdivided and sometimes they get merged. The Board really needs to know what is going on with this current lot and how it was created. Mr. O'Halloran stated the lot that exists now was merged by two smaller lots adjacent to each other. Mr. Cunningham stated the Board understands that, but they need actual dates or an actual subdivision map that shows this. Attorney Cunningham stated the applicant could run a title search which may show that information or point out which maps to look at. The current owner could also have information that he could possibly share with the applicant. Chairperson Drummond stated that if this owner owns additional lots in the area then why can't he make this a legal sized lot. Mr. Meier stated the answer might be in the current deed for this property. The current deed may describe how this lot was created. Mr. O'Halloran stated that Mr. Spellman told him to tell the Board that this was done through the Town of East Fishkill, and everything should be documented. Attorney Cunningham stated the applicant will need to provide the deed that created these lots. He stated if there is a subdivision plat showing this area it would be helpful as well. If the current owner is saying there is something in the file, the applicant can come into the office and look at the file. Mr. Ahsan stated the current owner should have paperwork showing the history of the creation and merger of these lots that he can share with the applicant. Mr. O'Halloran stated he can do that. Mr. Ricketts stated there is no subdivision map on file. Mr. Ahsan asked if there were similar lot size properties in the neighborhood.

Chairperson Drummond stated they will review the information as soon as it comes in and see what needs to be done for the next meeting.

Kevin Keegan, 17 Sunny Lane, Stormville, is requesting a 65' side line variance for a ground mounted solar panel, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Kevin Keegan and Alex from Kesselman Solar were present.

Chairperson Drummond stated they have two solar applications for tonight. She stated this is quite a wide lot and she asked why it needed to be so close to the neighbor and not more into the applicant's backyard. Mr. Keegan stated if it went in the very middle, it would cut his backyard in half. He stated there are also already pole mounts in the side yard that it would blend with. He has spoken to each of the neighbors, and they have stated they are fine with having the ground mounts put where they are proposed. Chairperson Drummond asked how the existing solar array got put up. Mr. Keegan stated that was put up in 2011. Chairperson Drummond asked how far away that was from the side yard. Mr. Keegan stated he did not have the exact dimensions. The dotted line on the survey is 15 feet so he believes it is 25 from the sides and 50 from the back.

Mr. Meier asked if the new ones could be installed behind the existing ones. Mr. Keegan stated they would be closer to the backyard and there are trees. Mr. Meier stated that way he would be further away from the existing one and from both lot lines.

Chairperson Drummond stated they have two separate maps, one from Kesselman and one from Oicle Surveying. She stated the map showing the existing solar panels does not match up with the map showing them from Kesselman Solar as the existing solar array. She stated there are differences in what is showing up on the backyard between the two surveys as well. She believes they need to have the new proposed solar array put on the existing service. She stated the map is showing a lot of structures on the property and she is not sure if they are allowed to have all of those structures. There appears to be multiple coops. Mr. Keegan stated they have rabbits. Chairperson Drummond stated there is also a garden shed. She asked Mr. Ricketts how many structures were allowed. Mr. Ricketts stated there is no limit currently on the number of structures. You have to look at building coverage. He stated that according to Michelle it comes down to the building coverage. Mr. Meier stated you need permits if you have more than a certain a number of accessory structures. Chairperson Drummond stated she is seeing six coops. Mr. Keegan stated the one that's in the back is a movable structure and it is not shown on his copy of the survey. He stated the surveyor removed it because it is not attached to the ground.

Chairperson Drummond stated movable does not matter. It still counts as a structure.

Mr. Ahsan suggested going back to the surveyor. He would like to see all of the information on one map. He stated he does not care which survey it goes on as long as all of the structures, the old solar panels, and the proposed solar panels are all on one survey, all within the measurements from the backyard and side yards with all distances on one survey.

Chairperson Drummond stated she does not understand why this can't be put within the boundaries without needing a variance. Between where it's proposed and the edge of his lot the applicant is showing no screening. There is nothing that states he is proposing screening. The array that they are proposing to install is twice the size of what's there already. She asked what the existing solar array serves and why they need additional panels that are twice the size.

Mr. Keegan stated that Mr. Ricketts was out at the site and he could speak on the screening issue. Mr. Ricketts stated there are a lot of trees and screening in the area. The Kesselman survey shows the existing trees. They are evergreens so there is a lot of screening to the neighbor and in the rear of the property. Chairperson Drummond stated she sees two trees behind the solar panels on the neighboring property. There is a lot of screening on the other side of the yard and in the front of the property as well. You will probably not see this from the road or the back of the property. The neighbor whose site this is closest to will say it's a must they have significant vegetation on their property. Mr. Keegan stated there is a large growth of pine trees on that side. The pine trees are thick enough there that you cannot see the neighbors pool from where the proposed solar panels will be. He also stated that the neighbor has said they have no issue with this installation.

Chairperson Drummond asked again why the applicant could not meet the required setbacks. She asked if the septic or fields were in the yard or if the topography was different and does not allow this to be moved into the yard further. Mr. Keegan stated that the septic field is in the middle of the backyard. The distribution tank is right in the middle. Chairperson Drummond stated that needs to be shown on the survey. Mr. Keegan stated that two of their backyard neighbors have said they prefer it not be in the middle of the applicant's backyard because that would be more visible for everybody. Where this is placed now, the neighbors directly next-door cannot see it no matter where it's located. If it is in the very center of the backyard the neighbors to the back would be able to see it more clearly. Where they have it shown is tucked away and where the panels are now if you go north it is woods.

Mr. Meier stated if it would be to the right of where the current solar panels are, the applicant should be able to minimize the required variance at the very least. He asked if any building permit was obtained

for the existing solar array. Chairperson Drummond stated it was probably before the Town had zoning in place for ground mounted solar arrays. Mr. Keegan stated he does remember being told it had to be 50 feet from the back of the property and 25 feet from the sidelines at the time. Mr. Meier stated if they came 100 feet towards the middle of the property and to the left, they could probably stay 100 feet away from the property line and get much further away than they are now. He suggested at least 17 feet closer to the back, and since the property line is at an angle to the solar field that should move it further away. Mr. Keegan stated that does make sense. Alex stated they could go out and reassess and re-stake that. They can also get more supporting photography as well. Mr. Keegan stated the original solar array was a 5,000-watt system and it doesn't cover all of their electric use, but it does cover a certain percentage. Alex stated the additional panels will bring up the offset of the system to cover the electrical consumption. The existing system has aged and was not initially sized for the total consumption of the property. This array is akin to a booster to get the rest of the consumption accounted for. Mr. Ahsan stated there should be a paperwork with the town of East Fishkill with all of the survey dimensions listed because they should have been permits issued in 2010 or 2011 when this was installed. Chairperson Drummond stated it may not have needed a variance back then. She stated she was told that solar panels usually have a 20-year lifespan. Mr. Keegan stated 25 is what the industry says but that typically, it is longer. Each year a panel degrades a little bit. You can have them for longer but at 25 years it will produce only 80% of what the production was when it was new. Chairperson Drummond asked if the new panels were being sized to eliminate the old panels in nine years or are they sized this way because of the amount of electrical consumption the house is using. Alex stated they are sized as a complement to the existing panels to cover the existing demands with an additional permitted exception for the growth of future consumption as well. He stated they are making them within the recommendations of NYSERDA. Mr. Keegan stated they consume approximately 16,000 kW per year. The two systems together will generate less than that. They will generate approximately 15,000 kW per year. They are doing this because they love East Fishkill and do not want their costs to continue to rise. This is one way they can make sure their energy costs are lower. Chairperson Drummond stated that the Board's responsibility is to minimize variances that are being asked for and they have to be careful because if they allow this application to go through, than the next person who does not want to put their solar panels in the middle of their yard is going to use this as a reason why they should be allowed to do so as well. That is why this Board needs to understand what is unique about this property. Mr. Keegan stated he does understand that. They will have the map show exactly where the septic is. There is also a plateau

in the backyard that then goes down the hill on the sides and back. He stated the orientation of the roof is not functional for solar panels. The existing panels are on the north side facing south and there are no trees in the way so it optimizes the solar.

Mr. Ahsan stated if there were anything that cannot be shown on the survey to please take photographs of it and give them to the Town, that way they have visuals as well. Mr. Keegan stated he will supply one map that shows everything including the septic fields, the septic tank, the existing panels and the proposed panels and all of the coops, and all with measurements.

REVIEW – Appeal 4044 – Sadhis Rivas (6546-04-674315)

Sadhis Rivas, 199 Blue Hill Road, Hopewell Junction, is requesting a 9' & 11' left sideline variance and a 30' & 32' right sideline variance for ground mounted solar panels, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Stephanie Kussmann and Courtney Roberts were present.

Ms. Kussmann stated this is a total of 30.24 KW ground mounted solar array for the residents. It would be split into two separate arrays and tied to two separate residential meters. There are currently two residential meters on the property with two separate utility bills for the property.

Chairperson Drummond stated they got an updated survey. The applicant does have 7.4 acres to work with, but it is an extremely narrow lot. It looks like one side is 69 feet and the other side is 88 feet so unless the panels go straight from front to back, they need a variance anywhere they put them. She asked if the neighbors could see the use or if there is screening going up to block them from the neighbors. Ms. Kussmann stated they did provide some site photos showing some of the natural screening that already exists on the property, including street view photos. On the north side of the property is very thickly screened. The south side is a little more questionable because it is a mix of evergreens and deciduous trees. Ms. Roberts stated there is one tree directly in between the house and the property where the panels are supposed to go. There is an aerial view provided that shows some of the existing vegetation. She believes the main concern would be the property to the south of the applicant. Chairperson Drummond asked if they have talked with that neighbor. Ms. Kussmann stated not yet. They wanted to meet with this board first due to the variances and the fact that this property falls into a flood zone, which is why the panels are positioned so close to the main residence. The flood zone lines come up to more than half of their parcel. Chairperson Drummond stated the structure closest to the side is listed as a stable, not a house. Mr. Meier stated he believes the house is on the far side of the lot. Chairperson

Drummond stated the aerial shows a clump of vegetation between the properties. Chairperson Drummond stated there is no other choice as to where these panels can go on this property. Mr. Ahsan stated due to the narrow width of the lot they would need a variance no matter what they do. Ms. Kussmann stated they did look at the roof as an option but there is just not enough space on the roof for the size system that would be required.

MOTION made by Aziz Ahsan, seconded by James Meier, to advertise and set this for Public Hearing for the September 27, 2022 meeting. Voted and carried unanimously.

Chairperson Drummond stated if the applicant has time to speak with the neighbor prior to the next meeting that would be helpful, however, they are putting these panels exactly where they belong.

Ms. Kussman asked if there was any specific buffer they needed to give for the flood plains.

Chairperson Drummond stated that would be a Planning Board question.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by Alberto Paratore, to adjourn the Zoning Board meeting at 8:38 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary