

Town of East Fishkill

ZONING BOARD OF APPEALS

March 22, 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.

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

Chairperson Drummond stated that the next meetings would be Tuesday, April 26, 2022, and Tuesday, May 24, 2022.

PUBLIC HEARINGS:

PUBLIC HEARING – Appeal 4025 – Anthony Ferrante (6355-00-922744)

Anthony Ferrante, 61 Rainbow Crest, Hopewell Junction, is requesting a 33’ rear line variance for an existing dwelling and a proposed 20’X16’ (320 sf) addition, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Brian Stokosa was 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 is a corner lot on Rainbow Crest and Sunshine Lane. The driveway is off of Rainbow Crest. The house is 26.2 feet from the side/rear yard. This house does have two front yards. This will be for an addition off the back of the house. The septic is in the front of the house, so this location does make the most sense. The exterior will match the existing house. They are also not adding a bedroom.

Mr. Stokosa stated they have sent in letters from the neighbors. This will just be livable space. They were looking for a two-family home in the area, but the availability is very slim. They ended up deciding that an addition on the back of the house was the best way to go. They are trying to add some space so there is some separation between the two families.

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

Chairperson Drummond read a letter from Lori Boffoli at 64 Rainbow Crest and Janet Adinaro at 27 Sunshine Lane, both had no issue with this application.

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

Ron Earl from 81 Rainbow Crest stated he is the house directly behind this parcel and he asked why the applicant needed a 33-foot variance for a 20-foot addition. Chairperson Drummond stated the existing house doesn’t conform to current zoning. It has two front yards, which make the setbacks larger. Mr. Earl stated this applicant did an addition a few years ago. He asked if the new addition is in violation of the code. Chairperson Drummond stated she didn’t know what addition he was referring to. Mr. Earl said it is the only new construction in the last five years. Mr. Earl is at the intersection of Rainbow Crest and Warren Drive. The houses back up to one another. He stated their wells are right next to each other. He does not understand why this is not conforming today if there was an addition added not that long ago. Mr. Stokosa stated if there was an addition done, it would have had a CO granted to it, which would

not have happened if it had triggered a violation. Mr. Earl stated there are two sheds that are on the property line that are approximately 100 sq. ft. each. Chairperson Drummond stated there are no sheds on the survey. Mr. Earl stated the sheds are adjacent to the well further away from the Rainbow Crest side. Chairperson Drummond stated the survey they have is from October 2021 and she asked why the sheds were not shown. Mr. Stokosa said he believes this is the survey they were working off of from when the house was constructed and there were overlays on top of that. He said if there are sheds on the property they will be identified. Zoning Administrator Rickett stated he did see two sheds and there is a permit granted for the second shed already. Chairperson Drummond asked if the shed was in the proper location and Zoning Administrator Rickett said yes. Mr. Earl asked what the setback was. Mr. Rickett stated it is 15 feet. Mrs. Earl asked if they are aware that the deck was made into living space. Clerk Keenan said there is a permit for a three-season room. Mr. Earl stated he also believes that the three-season room is too close to the property line. Chairperson Drummond stated that is not part of the discussion for tonight and not where the variance is needed. They are talking about the Sunshine Lane side addition. The existing structures don't need variances as everything on the site has a CO. Mr. Earl stated he would like validation that the applicant is making the 15-foot setback to the sheds. Mr. Stokosa stated they would verify that. Chairperson Drummond stated if the sheds are not in compliance they will have to be moved. Mr. Stokosa said absolutely.

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

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

APPEAL NUMBER: 4025

APPLICANT: Anthony Ferrante

NAME OF PROJECT: Request for a 33' rear line Variance from the requirements of the Schedule of Bulk Regulations for the existing dwelling and a proposed 20'X16' (320 sf) addition

LOCATION: 61 Rainbow Crest, Hopewell Junction (the "Property")

TAX MAP NUMBER: 6355-00-922744

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member Rocco Limitone

WHEREAS, the Applicant is seeking a Variance for the existing dwelling and to construct an addition on the northwestern side of the existing structure; and

WHEREAS, the addition would lead to an increase in living space and no additional bedrooms; and

WHEREAS, the applicant is also proposing a second addition, which does not require a variance; and

WHEREAS, the Applicant was limited in where it could put the additions due to the location of the existing septic system; and

WHEREAS, the Property is at the corner of Rainbow Crest and Sunshine Lane, which creates limitations for the Property; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on March 16, 2022; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on March 22, 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 layout of the Property and it being a corner lot;

The Variance is substantial, but the existing house was built and received a Certificate of Occupancy in the current location and the addition in this area is pretty minimal in size at only 20’X16’ (320 sf);

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 Anthony Ferrante for a 33’ rear line Variance from the requirements of the Schedule of Bulk Regulations for the existing dwelling and a proposed 20’X16’ (320 sf) addition. Upon conformation that the sheds are in compliance with the Zoning Code.

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 4026 – Jeffery Argow (6458-04-931174)

Jeffery Argow, 3 Brusk Dr. Hopewell Junction, is requesting a 21' sideline variance to allow a proposed 25'X30' (750 sf) detached garage, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Jeffery Argow and Brian Stokosa 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. The applicant has an addition proposed that is very close to the property line as there is an existing paved walkway between the house and where the garage is proposed. There was some discussion about moving it back a bit.

Mr. Stokosa stated they took the suggestions from the last meeting. The original variance was for a 21-foot sideline variance to be four feet from the property. Now they are looking for a 17-foot variance. They have moved the garage back so it is 8 feet from the property line. They have created a larger buffer between the property and the neighboring property and reduced the size of the variance request.

Chairperson Drummond stated the finish will match the existing house. There will be solely storage on the second floor and no residential space. There will be electricity but no plumbing.

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.

Mr. William Kostenko, who lives at 30 Doran Drive, asked if there were any pictures of what this would look like. Mr. Stokosa shared the screen and showed the drawings. He had a drawing of what it currently looks like and a drawing of what the proposal is. He said it is a 25' x 30' building. It was originally proposed closer to the property line. The structure will be located largely behind the house. Mr. Kostenko's house is on the opposite side. Mr. Kostenko asked if there would be any elevation changes. Mr. Stokosa said there may be a slight slope to keep water from draining directly into the garage, but they will not be re-grading or doing any major changes. Mr. Kostenko asked if it would be 2 stories. Mr. Stokosa said it was really only 1 ½. It would not be higher than the house.

Chairperson Drummond asked if there was anyone else from the public. There was no one.

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

APPEAL NUMBER: 4026

APPLICANT: Jeffrey Argow

NAME OF PROJECT: Request for a 17' side line Variance from the requirements of the Schedule of Bulk Regulations for a proposed 25'X30' (750 sf) detached garage

LOCATION: 3 Brusk Dr., Hopewell Junction (the "Property")

TAX MAP NUMBER: 6458-04-931174

ZONING DISTRICT: R-1

Resolution offered by Zoning Board Member James Meier

WHEREAS, the Applicant is proposing a detached garage with storage above; and

WHEREAS, the Applicant is not proposing living space above the garage; and

WHEREAS, due to the location of the existing driveway, the only feasible place is where the garage is proposed; and

WHEREAS, after the Applicant's first meeting with the Board, he reduced its requested Variance from 21 feet to 17 feet; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on March 16, 2022; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on March 22, 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 and the walkway that runs between the existing house and the proposed garage;

The Variance is substantial, but has been reduced by the applicant after discussion during his Review;

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 Jeffrey Argow for a 17' side line Variance from the requirements of the Schedule of Bulk Regulations for a proposed 25'X 30' (750 sf) detached garage on the condition that the detached garage shall never be converted into an accessory apartment.

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 Brandon Rodas	Absent
Chairperson Norma Drummond	Aye

PUBLIC HEARING – Appeal 4028 – Anthony Smith (6655-03-187053)

Anthony Smith, 241 Leetown Rd. Stormville, is requesting variance to allow an existing 18’x14’ (252 sf) shed to be located in the front yard, pursuant to Section 194-90 of the Zoning Ordinance.

Anthony Smith was 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. According to the survey the shed is over 172 feet away from the property line. The applicant did not build the shed, but he has replaced the roof on it and done some work to it to keep it in good condition. It is not visible from anyone passing by on the road except possibly in winter. The applicant has two lots that he will be combining. There is also a gazebo on the property that was not shown on the survey. The total single lot will be just over 4 acres. Mr. Smith stated it is not a gazebo on his property, it is a temporary canopy set up. He stated he has already filed in Poughkeepsie for the combining of the two lots.

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: 4028

APPLICANT: Anthony Smith

NAME OF PROJECT: Request for a Variance from the requirements of Section 194-107 of the Zoning Ordinance to allow an existing 18'x14' (252 sf) shed to be located in the front yard

LOCATION: 241 Leetown Rd., Stormville (the "Property")

TAX MAP NUMBER: 6655-03-187053

ZONING DISTRICT: R-3

Resolution offered by Zoning Board Member Aziz Ahsan

WHEREAS, the Applicant has lived at the Property for fifteen years and the shed predates his ownership of the Property; and

WHEREAS, the Applicant applied to the ZBA for this Variance after applying for another permit and the noncompliance of the shed was identified by the Building Inspector; and

WHEREAS, the Applicant is also in the process of combining his two adjoining lots; and

WHEREAS, the shed is setback over 150 feet from the roadway, with adequate foliage that screens the shed, and the shed is the same color as the house; and

WHEREAS, all of these factors mitigate the visual impact; and

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

WHEREAS, the Legal Notice was published in the Southern Dutchess News on March 16, 2022; and

WHEREAS, the Zoning Board of Appeals held a Public Hearing on March 22, 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 layout of the Property and it being a corner lot;

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 of Anthony Smith for a Variance from the requirements of Section 194-107 of the Town Code to allow an existing 18'x14' (252 sf) shed to be located in the 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 Rocco Limitone

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 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.

Chairperson Drummond stated they did review this application last month. There were some things that needed to be cleaned up and possibly rethink some of it. She stated the Board's main concern is that the applicant has an existing four-bedroom house, and he will take one of the bedrooms and make it into a workout room. The proposed addition will have one bedroom and a den. The next purchaser of the house may look at this and say it is a six-bedroom house. The septic may not be sized appropriately for that to happen. She asked the applicant for an update.

Mr. Cabibbo stated they are still the same position as last month in terms of removing a bedroom from the existing home. He stated he did notice that the agenda states he is requesting a 9-foot sideline variance but on the survey states that he is 14.7 feet and 15 and a half feet due to the nature of the property. He does not know if that is a typo or a submission issue. He also stated that the rear line is 22.8 and 22.1. He stated they did clean up the drawing. It is still approximately a 950 sq. ft. space, and the garage is approximately 518 feet. He did try to show in more detail what that looked like. He stated they would be removing the bedroom from the existing home in order to satisfy the septic requirement. It is a 1250-gallon tank. One other thing he had to do was show the connection between the existing home and the addition. He tried to give them a sense of where the existing home is, where Creekside Road is, and how the two basically attach. He tried to point out the separate entry for the addition.

Chairperson Drummond asked what he means by removing a bedroom from the home. Mr. Cabibbo stated the main home will have three bedrooms and the addition will have a one-bedroom based on whatever the rules are around making sure that he has the right size septic for the number of bedrooms. If that requires removing doors or removing closets that is what will be done. Chairperson Drummond asked the attorney or the Zoning Administrator for some direction as to what it takes to remove a bedroom. Attorney Cunningham stated that he does believe the applicant could make internal changes that, according to architectural manuals, would actually remove a bedroom from his count. Chairperson Drummond's point is well taken in that the next person moving in could just create a bedroom out of it assuming there are no enormous structural changes. Mr. Cabibbo stated they could convert the living room into a bedroom if they wanted. He has no control over someone coming in and converting something later. Mr. Meier stated his understanding of the definition of the bedroom has to do with whether or not it has a closet. It also has to have a proper sized window for fire access. He would not expect the applicant to change that to a smaller size window. That would not prevent somebody from putting a closet back in. Chairperson Drummond stated she does not doubt that the applicant's intentions are sincere. The intent is just to make this an accessory apartment for his parents to have their own space. The concern is just a proposal including a bedroom and a den and anyone moving in would consider this a six-bedroom house with no adjustments made to the septic. She asked Attorney Cunningham or Mr. Rickett how the Health Department would review this. Mr. Rickett stated the septic is designed for a four-bedroom house. Attorney Cunningham stated they could request a letter from the

Department of Health. Chairperson Drummond stated that would give her a higher level of comfort. She stated the Board's role is to not just look at this applicant's use but to look at future use as well. Mr. Limitone stated somebody could change the use of any room for something else. Chairperson Drummond stated it would be up to the applicant to get the letter from the Department of Health.

Chairperson Drummond stated this addition is a little large for an accessory unit. The minimum requirement for the Town is 600 sq. ft. This proposal is for 950 sq. ft., but his parents will be living there. She did encourage the applicant to consider some of the universal design standards that include wider doors for ease of mobility.

Mr. Meier asked if they need to review the setback requirements based on what the applicant had told them. Mr. Cabibbo stated that he did include the survey so there were more detailed measurements. Chairperson Drummond stated the side yard should be an 11-foot setback and the rear yard should be a 28-foot setback.

Chairperson Drummond asked if Mr. Cabibbo has spoken to any of the neighbors yet. Mr. Cabibbo said no not yet, but he will.

Mr. Ahsan asked if it was possible to have architectural drawings submitted. Chairperson Drummond stated the applicant wanted to be sure that he would be going forward with this before he hired an architect. Whatever gets approved will have to be what the architect goes with because he will not be coming back.

MOTION made by Aziz Ahsan, seconded by James Meier, to advertise and set this for Public Hearing for the April 26, 2022 meeting. Voted and carried unanimously.

REVIEW – 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.

Chairperson Drummond asked if the applicant installed this fence or if the house was purchased with it. Mr. Barbaria stated that he installed the fence not knowing what the ordinances were and that permits were required or where the property lines were. He wants to resolve everything and get it done correctly.

Chairperson Drummond asked exactly where the fence was located. Mr. Barbaria stated it is approximately 15 feet off of the road and goes straight up the side of the driveway. It then goes around the back of the driveway. Chairperson Drummond asked if it just went up one side of property or both.

Mr. Barbaria stated it goes up only the side between his driveway and the neighbor's property. He stated there is a clear sight line when he pulls out of the driveway.

Chairperson Drummond asked if there was a specific reason he put the fence up. Mr. Barbaria stated it was for aesthetics. It was also for protection from wildlife and to keep his children safe. They have seen black bear and fox on their Ring camera. It also keeps basketballs on the driveway area and not lost or going towards the woods.

Chairperson Drummond asked if there was screening between the fence and the neighbor's property. Mr. Barbaria stated the neighbors do see the full length of the fence, but towards the roadside it transitions from 6 feet to 4 feet so it matches with what they have in their front yard.

Chairperson Drummond asked if it was on the property line or 2 feet off of the property line. Mr. Barbaria stated he is not sure, but thinks it is more than 2 feet off. He did supply a survey from Johnson. Chairperson Drummond stated she does not see a fence on the survey. Mr. Meier stated he believes the fence is there, but it is showing as a double line. Mr. Ahsan stated it is not labeled as a fence. Chairperson Drummond stated they will have to deal with the fact that it is not 2 feet off of the property line. Mr. Meier stated if he is trying to match up with the neighbor's fence it would be helpful if he brings in photos for the Public Hearing. Chairperson Drummond also suggest getting letters from the neighbors. Mr. Barbaria stated he has spoken to the neighbor various times, and he has stated he is fine with this.

Mr. Ahsan stated there is a 15-foot easement and a swamp that he is also concerned about. He needs to know where the fence is as to whether or not it will be in the drainage easement. Chairperson Drummond stated the fence is not on that side of the property. Mr. Rickett asked if the Board had the pictures that he sent out. Mr. Ahsan stated he did not.

Mr. Meier asked if the surveyor could give a distance on the fence and the property line. Mr. Rickett asked that it also show the distance for the shed from the property line. Mr. Barbaria stated the shed is falling apart and he was planning on taking it down at some point. Chairperson Drummond stated if it will be replaced the applicant wants to make sure it is 15 feet from the property line.

MOTION made by Aziz Ahsan, seconded by Rocco Limitone, to advertise and set this for Public Hearing for the April 26, 2022 meeting. Voted and carried unanimously.

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 20'x26' (520 sf) carport, pursuant to Section 194-107 of the Zoning Ordinance.

Reuben Buck was present.

Mr. Buck stated there is an existing three-bedroom dwelling on the property. The applicant is proposing a carport, which will be located within the front yard setback. That corner of the property is where the driveway comes up from Rushmore Road. At no point does it cross the setback lines. The entire driveway is in the front yard setback. Due to the slopes of the property and the existing driveway the most feasible location for the carport is where the driveway currently exists. To relocate the driveway or do site work and grading would not be feasible for the applicant.

Chairperson Drummond asked why a carport and not a garage. Mr. Buck stated one side of the carport would be opened. Mr. Meier stated it would look more like an equipment shed for a farm. Mr. Buck stated there will be indoor storage and two doors facing the existing walkway to the house. The carport will hold two cars. It will have three sides that will have siding, including the one facing the road.

Chairperson Drummond asked if the finish of this matches the home. Mr. Buck stated he would have to consult with the architect. He is unsure what the color would be. His assumption would be it would be close to the color of home. He can verify that.

Mr. Meier asked how far it was from the property line. Mr. Buck stated it is 12 feet from the front property line.

Chairperson Drummond stated this will be in the front of the home and only 12 feet away from the roadway. She asked what the neighborhood was like. Mr. Buck stated it is a very rural area. The closest neighbor is several hundred feet away from this property. The only visual effects would be from people driving down Rushmore Road. The dwelling itself is actually closer to the front yard than what they are proposing the carport to be. The effect will be no greater than where the house currently is. Chairperson Drummond asked when the house was built. Mr. Buck did not know. Clerk Keenan stated the house predates zoning.

Chairperson Drummond asked why the carport could not be moved further in. Mr. Buck stated this is the easiest access from the existing driveway. As it is situated, it has an easy turning radius. If they were to rotate it, the storage area would be exiting onto an incline, and they would have difficulty getting things in and out of it. Chairperson Drummond stated the storage can be put on the other side of the structure. Mr. Buck stated if they were to do that it would be coming out a steep incline on the other side toward the roadway. Chairperson Drummond suggested pushing the carport in about 20 feet and turning it 180

degrees. She does understand the curve will be a little bit more difficult but not impossible. He stated they can use a car turning template, but he does believe it will be a more difficult movement.

Chairperson Drummond asked if the applicant has an existing garage and Mr. Buck said no.

Chairperson Drummond asked what the boxes on the outside of the setback lines were. Mr. Buck stated he believes they are chicken coops. Chairperson Drummond asked why they were not in far enough to meet setback requirements. Mr. Buck stated he was not sure. He will check into it. Chairperson Drummond asked how many acres the parcel was and how many acres are required to have chickens. Mr. Buck said it is .882 acres and does predate zoning. Mr. Ricketts stated that 3 acres are required to have chickens. The Town Board has been talking about the possibility of reducing that. Chairperson Drummond stated they have been talking about that for years. It has not changed as of yet, so there should not be chickens there. She asked that Mr. Buck convey that to his client.

Mr. Ahsan stated he believes they need to get a variance for the existing house as it appears to be only 5 feet from the roadway. Chairperson Drummond stated since they are here for something else, the whole lot should just get cleaned up. They will obviously not have the applicant move the house. She stated the only reason she's willing to consider this application is that there is no existing garage on the property. It is definitely in everybody's best interest for people to have places to store things like lawnmowers and vehicles. She hopes they can make it as least visible from the road as possible. She does understand Rushmore Road is not heavily traveled. Given the topography of the property it needs to be keeping with the character of the neighborhood.

Mr. Meier stated he understood the thought process of rotating it and moving it back, but then the open side would be visible to the road. As they have it proposed now, the siding side is what will be seen from the roadway. That might be better than open doors. Mr. Buck stated he will confirm with the applicant the façade. Chairperson Drummond stated in this case it may be more desirable to have a brown color regardless of what color the house is so that will look more woodsy and blend into the landscape. She is assuming there is some scrub there. Mr. Buck stated there is some, but he did not believe there was significant tree growth that would shield the carport.

Mr. Ahsan suggested the applicant come back next month with some more options as well as a list of the requested variances for the Board to make a determination. Right now, he feels there are too many variables. Mr. Buck stated they will verify the color of the carport, the accessory structures on the property, they will update the application to include the house variance as well and review some different orientations for the carport. Chairperson Drummond stated he would confirm also that there are no chickens. Mr. Buck said yes.

REVIEW – 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 24x30 (720 sf) detached garage, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

Mr. Coscio was present.

Chairperson Drummond stated this was the first time they are seeing this application and she asked Mr. Coscio to take them through it. Mr. Coscio stated this will be a 24 x 30' detached garage. It will be right down the driveway. He does need a 10-foot side variance for this based on its size. Chairperson Drummond stated this is at the top of the driveway, behind the rear line of the house. She stated it does not look like it can go any closer to the house. Mr. Coscio stated his septic is right behind there. There is also a small walkway. The sheds are not on the septic and the little shed is completely gone.

Chairperson Drummond asked how tall it would be. Mr. Coscio stated the peak line is at 17 feet at the top of the ridge line. Chairperson Drummond asked what the garage height limit was. Mr. Rickett said he would have to check into it. Chairperson Drummond asked if this would be one-story. Mr. Coscio said yes.

Chairperson Drummond asked what the finish on the garage would be. Mr. Coscio stated it would be vinyl siding to match the house.

Chairperson Drummond asked if there were any comments or questions from Board members. Mr. Ahsan asked how big the existing shed was. Mr. Coscio stated it is a 10 x 10.

MOTION made by Aziz Ahsan, seconded by James Meier, to advertise and set this for Public Hearing for the April 26, 2022 meeting. Voted and carried unanimously.

ADJOURNMENT

MOTION made by Aziz Ahsan, seconded by James Meier, to adjourn the Zoning Board meeting at 8:24 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary