

Town of East Fishkill

**ZONING BOARD OF APPEALS**

January 25, 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, Brandon Rodas, and Norma Drummond. Michael Cunningham, Esq., Town Attorney; Matt Rickett, Zoning Administrator; and Jeanne Burke, 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 are no Public Hearings. There are just two reviews, which are the first time the Board is seeing these applications. She stated the governor's order allows the Board to continue virtual meetings until such time as the pandemic emergency is over. She asked if it was the Board's pleasure to continue the February meeting virtually. The Board was in agreement with this. She stated that regardless of the weather or snow closings, the meeting can continue.

Chairperson Drummond stated that the next meetings would be Tuesday, February 22, 2022 and Tuesday, March 22, 2022.

**MOTION** made by Aziz Ahsan, seconded by Rocco Limitone, to approve the minutes of the meeting held December 28, 2021 as amended. Voted and carried unanimously.

**REVIEWS:**

**Due to difficulties getting Mr. Rahman to be heard on Zoom, the second review for Appeal 4024 was taken first and Appeal 4023 was recalled after.**

**REVIEW – Appeal 4024 – Cindy & Ahmed Eigheur (6356-01-434926)**

Cindy and Ahmed Eigheur, 122 Broadway, Hopewell Junction, are requesting a 32' rear line variance to allow a proposed 20'x30' (600 sq. ft.) addition, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Cindy Eigheur and Michael Gillespie were present.**

Mr. Gillespie stated this is a fairly straightforward application. They are proposing a 600 sq ft. addition off of the rear of their oddly shaped parcel. Based upon the layout of the current property this is the best location for this addition. There is an existing set back where there is much less than the 50-foot area that they are proposing. As the existing house is less than what they are proposing, he asked if they should clean up the whole site that way. Chairperson Drummond stated one corner of the existing house is 14'5" from the property line. The closest point of the addition will be 18'7". She stated it also looks like there are a set of stairs coming out of the back of the existing house. She stated it looks like the existing house is 34'9" away from the property line. Mrs. Eigheur stated there is nothing there now. Mr. Meier stated they don't appear to be stairs. It appears to be a rectangular box around the measurements. Chairperson Drummond stated the existing house does not conform at that point. She asked what is behind the property line marked stone wall. Mrs. Eigheur stated behind her property there is nothing but woods. It is all one vacant lot. She stated the surrounding property is owned by Lomala Development Corporation. Mr. Gillespie stated the property is also set back off the road some. He does not believe you will see a lot from the road. Chairperson Drummond stated they are making a nonconforming house less nonconforming.

Mr. Ahsan asked when the house was built. Mrs. Eigheur stated she believed it was built in 1950. An extension was done in 1985. It was an addition to the original cabin that was there.

Chairperson Drummond asked where the driveway was located. Mrs. Eigheur stated it is on the left side where the addition is proposed. Mr. Meier stated the property is showing a garage on the property already. Mrs. Eigheur stated there is a detached garage in front of the house. She believes that was built in 1985 as well. They purchased this home five years ago. Mr. Gillespie stated that this was an existing one-story home. The grade of the driveway going to the main house is extremely steep. He believes the purpose of the first garage was to park the car in and walk up some stairs in bad weather.

Chairperson Drummond asked what the space in this addition would be used for. Mrs. Eigheur stated they will be shifting around some rooms. They currently have a three-bedroom, two bath home and it will be staying that way. It will be a two-story addition. Mr. Gillespie stated it could be considered a story and a half. The existing house is basically one-story. They will be holding the current bedroom count. Mr. Ahsan asked if the septic was sized for a three bedroom or four-bedroom residence. Mrs. Eigheur stated it is for a three-bedroom, two bath home, so they are going to keep it exactly like that.

Mr. Meier stated they will need variances for the sideline and the rear line and the garage in front of the house. Chairperson Drummond stated there are two sidelines and two rear lines. The house was built before zoning. Mr. Gillespie asked if they needed a variance for the size of the garage. Chairperson Drummond stated no because it was a ready built. Mr. Meier stated if they give the variance for the 36 feet for the existing house, do they need another one for the garage. Attorney Cunningham stated they do not need to worry about the rear line setback for that structure.

MOTION made by Aziz Ahsan, seconded by James Meier, to advertise and set this for Public Hearing for the February 22, 2022 meeting. Voted and carried unanimously.

**REVIEW - Appeal 4023 – Mohammad Rahman (6356-01-358852)**

Mohammad Rahman, 81 Broadway, Hopewell Junction, is requesting a 9' sideline variance to allow an existing 12'x20' (240 sq. ft.) rear deck, pursuant to the Schedule of Bulk Regulations of the Zoning Ordinance.

**Mr. Rahman was present.**

Chairperson Drummond asked if the applicant put the deck on the house. Mr. Rahman stated the deck was there when he purchased the home on December 1. Chairperson Drummond asked if he knew the age of the deck and what condition it is in. Mr. Rahman stated the Building Department has inspected it and they sent notification of what needed to be done. Chairperson Drummond had the report from the Building Inspector. She stated the home needs a variance as well. They do have a current survey. Mr. Meier stated there are several buildings on it as well. Mr. Aziz stated it is looks like a flag lot and there is a home behind the applicant's. Mr. Rahman stated there are two parcels that both have wetlands. Mr. Meier asked where the dividing line between the properties was. Chairperson Drummond said she could not tell where it was either. The property is showing a one-story frame garage and a one-story wood frame very close to the creek. Mr. Rahman stated there is a garage and a sitting area like a porch. The

house is closer to Broadway. Attorney Cunningham stated he does not believe the applicant needs variances for the structures in the back. They are pre-existing nonconforming. Mr. Aziz stated it appears that the roof is 3'6" over the property line. Attorney Cunningham stated he would leave those as pre-existing, nonconforming in a "whereas clause". They are not the subject of this application. It will be noted that if they come down, they cannot be replaced.

MOTION made by Aziz Ahsan, seconded by James Meier, to advertise and set this for Public Hearing for the February 22, 2022 meeting. Voted and carried unanimously.

**ADJOURNMENT:**

MOTION made by Aziz Ahsan, seconded by James Meier, to adjourn the Zoning Board meeting at 7:36 PM. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer

Meeting Secretary