

DRAFT

**Town of Fishkill
Zoning Board of Appeals
September 15, 2009**

Minutes

Members Present

Barry Silverstein-Chairman
Maureen Kangas-Vice Chairman
Ronald Critelli
Al Campanaro-Alternate

Members Absent

Lynne Raver
MaryAnn Leenig
Marc Breimer-Alternate

Other Officials Present

Janis Gomez Anderson, Esq. – ZBA Attorney
Audrey Friedrichsen Scott, Esq. – ZBA Attorney
Joel Petrus - Building Inspector

Notice of Appeal Hearing has been published in the Poughkeepsie Journal,
The Southern Dutchess News and The Beacon Free Press.

Notified of the variance requests were the Town Board, Town Planning Board, Dutchess
County Department of Planning, NYS Thruway Authority, NYS Bridge Authority, NYS
Department of Transportation, The Building Inspector and the surrounding property
owners.

The meeting of the Zoning Board of Appeals was called to order at 7:00 p.m. by the
Chairman. He made announcements regarding the no smoking policy and the emergency
exits and fire procedures. The Chairman informed those present of the procedures
regarding the ZBA.

The Chairman announced that Alternate Member Al Campanaro was on the Board for
this meeting with full voting rights.

DRAFT

Minutes

Chairman Silverstein called for comments or corrections to the minutes of the June 2009 meeting. Hearing none, he called for a motion to accept the minutes as written.

Ron Critelli made the motion to accept the minutes as written from the June 16, 2009 meeting.

Maureen Kangas seconded.

Motion Carried

Barry Silverstein - Aye

Maureen Kangas - Aye

Ronald Critelli - Aye

Al Campanaro - Aye

Lead Agency Request

The Town of Fishkill Planning Board submitted a Lead Agency Coordination Request for a Land Use Development Permit for Joseph Precour

The Board cited no further comments regarding this request.

Maureen Kangas made the motion for the Town Planning Board to act as Lead Agency.

Ron Critelli seconded

Motion Carried

Barry Silverstein - Aye

Maureen Kangas - Aye

Ronald Critelli - Aye

Al Campanaro - Aye

DRAFT

New Business

Grid Number: 5955-04-795335 Address: 7 Shale Rd, Beacon
Application Number 09-005, submitted by John Pagliaro, requesting a 15ft variance creating a 20ft front yard setback where 35ft is the minimum and a 9ft variance creating a 21ft rear yard setback where 30ft is the minimum to construct a handicapped accessible addition.

Chairman Silverstein read communications from the following:

The DC Department of Planning citing this as a matter of local concern

NYS Thruway Authority stating no objection to the project

The Town of Fishkill Planning Board citing this as a matter of local concern

The Chairman advised that there was no response from the NYS Bridge Authority or the NYS Department of Transportation.

Chairman Silverstein called for the representative. John Pagliaro presented to the Board. Mr. Pagliaro advised that his son took ill a year ago and after thirty days at Columbia-Presbyterian Hospital the doctors did not know what happened to him to leave him in this condition.

Mr. Pagliaro stated that his son has been in the wheelchair for almost a year now and it is difficult to maneuver around the house because it is small. The current bathroom is very narrow. He stated that their plan is to convert his son's current bedroom into a handicapped bathroom and construct the addition adjacent to that.

Maureen Kangas commented that the variances are for the addition. Mr. Pagliaro confirmed this. He commented that he has lived in the house for almost 50 years and there have been no changes to the property.

Ron Critelli asked when construction would begin. Mr. Pagliaro stated that he wants to start as soon as possible.

Ron Critelli asked the Chairman if the Board could vote on this application at this meeting. The Chairman approved and asked for a consensus from the Board. Maureen Kangas asked for verification that the addition would not interfere with any of the neighbors. Mr. Pagliaro confirmed that it would not and advised that his lot was 300 ft long but narrow.

Chairman Silverstein called for comments from the Floor. Peter Van Markwyk stated that he is a neighbor and is in favor of the addition. The Chairman called for additional comments. Hearing none, the Chairman called for a motion to Close this Public Hearing.

DRAFT

Maureen Kangas made the motion to Close the Public Hearing

Ron Critelli seconded

Motion Carried

Barry Silverstein - Aye

Maureen Kangas - Aye

Ronald Critelli - Aye

Al Campanaro – Aye

Deliberations

Chairman Silverstein commented that his observation is that no one has any objections to this project. He advised that the Board has the right to go against their normal procedures and considering the circumstances regarding this application and the winter months approaching, they can vote on it at this meeting.

Ron Critelli and Maureen Kangas agreed.

The Chairman called for a motion to vote on this application at this meeting.

Ron Critelli made the motion

Maureen Kangas seconded

Motion Carried

Barry Silverstein - Aye

Maureen Kangas - Aye

Ronald Critelli - Aye

Al Campanaro – Aye

The Chairman called for a motion to recess the ZBA meeting to allow the attorneys to prepare the paperwork.

Motion to Recess: Maureen Kangas

Second: Ron Critelli

Motion Carried

ZBA Meeting recessed at: 7:10pm

Motion to Reconvene: Maureen Kangas

Second: Al Campanaro

Motion Carried

ZBA Meeting reconvened at: 7:24pm

DRAFT

The Chairman recognized Audrey Freidrichsen Scott, Esq., for the explanation of the resolutions and the finding of facts. Ms. Friedrichsen Scott advised that as explained by the Applicant, there was a request for two variances, one from the front yard and one from the rear yard setback requirements. What has been prepared for the Board is a record of findings which addresses both variance requests along with separate resolutions for each variance request. The resolutions provide that the Board adopts the findings and then either grants or denies each variance request.

Vote:

09-005, John Pagliaro, Handicapped Addition

Maureen Kangas made the motion to Grant the variance request for the Front Yard Setback

Ron Critelli seconded

Motion Carried

Barry Silverstein - Aye

Maureen Kangas - Aye

Ronald Critelli - Aye

Al Campanaro - Aye

Maureen Kangas made the motion to Grant the variance request for the Rear Yard Setback

Ronald Critelli seconded

Motion Carried

Barry Silverstein - Aye

Maureen Kangas - Aye

Ronald Critelli - Aye

Al Campanaro - Aye

Chairman Silverstein called for any additional business. None voiced. Chairman Silverstein called for a motion to Adjourn the ZBA Meeting.

Ron Critelli made the motion to Adjourn the ZBA Meeting

Maureen Kangas seconded

Motion Carried

Meeting Adjourned at 7:28 p.m.

Respectfully Submitted

Nancy Fitzgerald-Lecker

ZBA Clerk