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From: "Lynne Eckardt" <midfarm@bestweb.net>
Date: Mon Aug 22, 2005 5:56 pm
Subject: SE ZBA Meeting 8/15/05

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Hi All,

Well, I'm finally catching up on my recaps- this one is from the Southeast ZBA meeting of last Monday, August 15th.

There was only one item on the agenda of note and, in a complete stroke of good luck, it was number one. I even got home in time for dinner.

As always the comments that follow are only my own, warped take on the inner workings of Southeast.

1. Brewster Honda, Route 6:

Brewster Honda is looking for an use variance on 3 acres that is used as a parking lot for unsold cars. Donald Rossi is representing the applicant.

Mr. Rossi explained that this lot has always been used as 'accessory use' dating back to 1932 when it was part of Brewster Lumber. There is a railroad easement to access the property. Chairman Colello has a problem in that town law prohibits voting on any application in violation of the zoning code. Mr. Rossi said that there was a meeting with Zoning Officer, Ron Harper and Town Attorney, Mr. Charbonneau, where an agreement was reached. If an applicant makes an application in front of the Board it holds the violation in abeyance.

Mr. Rossi inferred that they would go to court and let the courts decide if the present storage use was pre-existing, non-conforming. Chairman Colello stated that although he likes Justice Borkowski he did not want to see him running the ZBA.

I asked if the variance would carry with the property. Mr. Colello answered 'yes'. I asked if the variance would make the property more valuable. The answer was 'yes'. I also asked if, because the applicant now owns the property, (which he didn't when the variance was originally sought) if **not** granting the variance made it more of a hardship. Mr. Colello said that this wasn't taken into account.

COMMENTS:

Well, well, a little bit of male posturing was in evidence when Mr. Rossi kinda, sorta threatened to go to court on this. And Chairman Colello was a little less than thrilled. Of course if it does go before Judge James Borkowski (as was mentioned) bear in mind that Jim used to work at

Stephens, Hogan and Rossi. And yes, that would be Donald Rossi, and yes, they were then the Town Attorneys, and yes, the 'Stephens' is Willis- our Assemblyman as well. While it's not at all unusual to find these close connections in a small town it can be a little cozier than some might like.

Frankly, I'm mystified that this application is even in front of the ZBA since it's been cited 3 times for violations and hasn't even tried to clear them up. But then there's a whole lotta sales tax generated by this baby. It's also no secret that Brewster Honda was, at one point in the not so distant past, looking around for new digs. If they are awarded this variance the property becomes that much more valuable and much easier to sell. Probably not a bad investment since they just closed on the 3 acre lot this past April. And that's assuming they get the variance.

I'm putting my money on a variance being granted. I think the key here is the male posturing- that a court case will cost the town too much and that we'll lose anyhow. But this one isn't going to be easy for the ZBA to swallow. Chairman Costello mentioned that since he's sat on the Board only one use variance has been granted- and that was to A & M Carting for truck storage. Please, please don't tell me they're connected in any way to AWD. I'll completely snap.

In an unrelated sidebar I understand that the ZBA will be welcoming a new member next month. There were no announcements that there was an opening so it will be interesting to find out who the mystery person, who obviously has some clout, is.

That's it from here- only one more recap to go and I'm all caught up. Yahoo!

Please feel free to e-mail me with any questions or comments that you might have.

With Best Regards,
Lynne Eckardt



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