

**TOWN OF SOUTHEAST
ZONING BOARD OF APPEALS
MINUTES OF JANUARY 22, 2007**

Edward Colello	Chairman	Present
Thomas Costello		Present
Timothy Froessel		Present
Kevin Sheil		Present
Joseph Castellano		Present
Paul Vink		Present
Mary Rhuda	Admin Assistant	Present

Regular Meeting:

Pegasus Therapeutic Riding, Inc., 310 Peach Lake Road - Again representing the applicant, previously sworn in are, Patty Coyle of Pegasus, Theresa Ryan of Insite Engineering, and Attorney John J. Arons. Ms. Coyle explained to audience members that Pegasus is a therapeutic riding center for individuals with disabilities. Riding helps with balance, coordination, as well as such things as anger management. The goal of this organization is to be under one roof to service people in this area as well as Connecticut. Applicant is seeking a variance to allow an equestrian center to be built on the 21.4 acres, previously believed to be 19.98 acres but calculations were being done as residential acreage instead of building acreage. A 25-acre minimum is needed for the equestrian center. Per Mr. Arons, applicant willing to accept maximum limit of 30 horses as a condition to the variance. The manure management system was once again addressed and is thought to be state of the art and designed to specifications recommended by the Watershed Agricultural Council. All manure to be put into dumpsters and hauled off-site when full. Storm water runoff will be retained and treated so as to not have an impact on Peach Lake.

Mr. Robert Gregory, speaking on behalf of the Vails Grove Cooperative, stated that Vails Grove thinks Pegasus is a wonderful program and supports their efforts. Wanted to be sure that the manure issues and the runoff were addressed due to the efforts of the Peach Lake area to get a much needed sewer district. Mr. Kamenstein, a board member of Pegasus, who has been involved in commercial horse boarding, feels the amount of manure that would be generated at Pegasus, is far less than fertilizers used throughout the Vails Grove Co-op. Per agricultural experts, manure is a good fertilizer.

Ms. L. Eckardt asked how many horses would be allowed on 20 acres per the current zoning? Mr. Arons stated if this property was sold, the possibility for 2 10-acre horse farms, each could have 9 horses to be built. With this scenario, you would be adding two homes, families with no controls built in for manure handling or storm water runoff. They feel Pegasus is the better alternative for property than if sold for single-family homes. Ms. Eckardt asked if it mattered to the board who the applicant is? Mr. Colello advised that the Zoning Board is guided by the criteria, not the applicant. Mr. Colello stated that the ZBA is not the expert on storm water drainage; this issue would be handled by the Planning Board, DEP and DEC.

T. Froessel wants to see the deed restrictions (maximum of 30 horses) before giving variance. Discussion with the board about how to proceed with the variance to include the deed restrictions. The Town Attorney will be consulted and asked to be sure the deed restriction is filed and discussed with the applicant prior to being in front of the Town Board for the Special Permit.

Motion introduced by E. Colello to grant a 4-acre variance for relief from 25-acre minimum requirement for equestrian center. Subject to deed restriction limiting the maximum amount of horses not to exceed 30 at any given time. Written and agreed upon by Pegasus Therapeutic Riding, Inc. and the Town Attorney before going to the Town Board for a Special Permit.
Seconded by T. Froessel.

Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood.
Don't think so. Already have a horse Veterinary on property
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No.
3. Whether the requested variance is substantial.
12% variance. Not that substantial
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
Concern for everyone.
5. Whether the alleged difficulty was self-created.
No.

Roll Call Vote:

K. Sheil	-	In favor
J. Castellano	-	In favor
T. Costello	-	In favor
T. Froessel	-	In favor
P. Vink	-	Oppose
E. Colello	-	In favor

Variance was approved by a vote of 5-1.

Gasland Petroleum, Inc., Route 6 & Starr Ridge Road - Applicant is being represented by P.W. Scott. Mr. Scott was sworn in. Applicant is before the board for an interpretation of proposed signs to restrict tractor-trailers from refueling. The interpretation is whether the sign is a traffic directional sign, thereby making them exempt from the sign code, or does this type of sign comply with the sign ordinance. Gasland has been issued fines for having trucks pull into the station for fuel when this is not allowed per original Planning Board approval. Applicant went back to the Planning Board, and per the Town Engineer and Town Planner signs stating "No Tractor Trailers Permitted" was suggested, thus the need for this interpretation. There would be 4 signs required, 2 pumps with diesel on each side. T. Costello asked how many variances were already issued, 8, none were sign variances. Discussion followed on the definition. Per the Town Code the definition of a direction sign is **"A sign limited to providing information on the location of an activity, business or event."** T. Costello felt that the Planning Board referred this applicant to the ZBA indicates to him that it is a typical sign. The board also discussed that they felt the Planning Board had the authority to decide what type of sign was presented before them.

T. Costello introduced a motion that interpretation of this board is that this sign is not a directional sign. This would mean the applicant would need a variance.
J. Castellano seconded.

Roll Call Vote:

K. Sheil	-	In favor
J. Castellano	-	In favor
T. Costello	-	In favor
T. Froessel	-	In favor
P. Vink	-	In favor
E. Colello	-	Oppose

Motion passed by a vote of 5 v 1

Keith & Sara Goetschkes, 22 Crosby Avenue - Mr. Goetschkes was sworn in and mailings checked and are in order. Applicant seeking variance to enlarge existing deck of 3.6 ft. Board reviewed the proposed plans. The board questioned the denial letter from the Zoning Enforcement Officer. In the letter he states that the front porch would also need a variance because the survey was not decipherable. Per the applicant, this has been addressed with the ZEO and is no longer an issue. Advised he should get this in writing. Public hearing to stay open so the board can drive by home.

Laura & Judy Kaufman, 22 Locust Drive, Vails Grove - Applicant Laura Kaufman and representing her, Richard Vail were both sworn in. Mr. Colello questioned the mailings. The applicant was given a list from the Town Assessor's office, per the normal procedures, but this was not the list that the mailings were done from. It was suggested to be sure that the proper neighbors received notice, that all homes on the list supplied, be given notice. The applicant would like to building two accessory buildings, a detached garage and a detached art studio. The applicant had a replica of the proposed buildings. Residents of Vails Grove were present to state their concerns about the project, as well as to advise that they were not able to speak at the Vails Grove approval meeting, therefore, they were at this meeting to voice their concerns. The applicant explained that she does mainly sculpting, painting, jewelry making and some wood working. Some residents have concerns with chemicals she may use. Ms. Kaufman advised that she has a master's degree from a prestigious art school and is very aware of the handling and disposal of chemicals. She is aware of all OSHA practices. Mr. Goff of 24 Locust is concerned with the size of the lot, most lots in Vails are small and inquired about the possibility of clients coming and going from the property. The board reviewed the plans and feel that the denial letter from the Zoning Officer was incorrect. This property has frontage on two roads. Will advise ZEO to prepare new letter which should also include distance between the accessory buildings from the principal structure. The Zoning Board has asked the applicant to get answers for two questions before next months meeting: the location of the septic and to get the building lot coverage. The septic, according to the neighbors, may well be in the location of the buildings. Public hearing held open.

Richard & Susan Tofte, 238 North Brewster Road - Mr. & Mrs. Tofte were sworn and the mailing were in order. Applicants seeking to add a 2nd floor addition to their home. Since a new roof would be needed on existing home, the applicant decided to expand at the same time and add a second floor, moving 3 bedrooms upstairs. The home will remain the same with 3 bedrooms and 2 baths. The board reviewed the plans and advised that they would keep the public hearing open until next month so they would be able to drive by the home to review.

Motion introduced by P. Vink to accept the minutes of 12/19/06.

Seconded by E. Colello. All In Favor.

Meeting adjourned.

DRAFT