

**TOWN OF SOUTHEAST
ZONING BOARD OF APPEALS
MINUTES OF FEBRUARY 26, 2007**

Edward Colello	Chairman	Present
Thomas Costello		Present
Timothy Froessel		Present
Kevin Sheil		Present
Joseph Castellano		Present
Paul Vink		Present
Town Attorney, W. Stephens, Jr.		Present
Mary Rhuda, Admin Assistant		Present

Regular Meeting:

Keith & Sara Goetschkes, 22 Crosby Avenue – Mr. Goetschkes was reminded that he was still under oath from the carryover from last meeting. Applicant is seeking variance to enlarge existing deck. The pre-existing deck has been taken down and will be rebuilt and enlarged. Public hearing closed.

Motion introduced by E. Colello to grant a 3ft west side yard setback variance and a 10ft total side yard variance.
Seconded by P. Vink

Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood.
No.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
Could be smaller.
3. Whether the requested variance is substantial.
No.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
None.

5. Whether the alleged difficulty was self-created.
Somewhat, but applicant wants a deck.

Roll Call Vote:

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

Variance was approved by a vote of 6-0.

Laura & Judy Kaufman, 22 Locust Drive, Vails Grove – Speaking on behalf of the applicant are, Richard Vail and Thomas Jacobellis, Esq. At the previous meeting, a question arose about the mailings to neighbors. Applicant was asked to send letter of meeting to other neighbors who were not originally noticed, and all mailings are now in order. The applicant was in front of this board requesting to construct two separate accessory buildings, a garage and an art studio on the property. Since that meeting, the applicant is now attaching the garage to the primary structure, with the art studio still being an accessory. Mr. Vail addressed the previous questions about the septic system. No bathrooms are to be included in this project, but the question of where the system was located was a concern of the neighbors. An engineer was hired and located the septic and fields on the property and a letter from the Putnam County Board of Health was presented to the board. Some of the leaching fields will be relocated to the west side of the property.

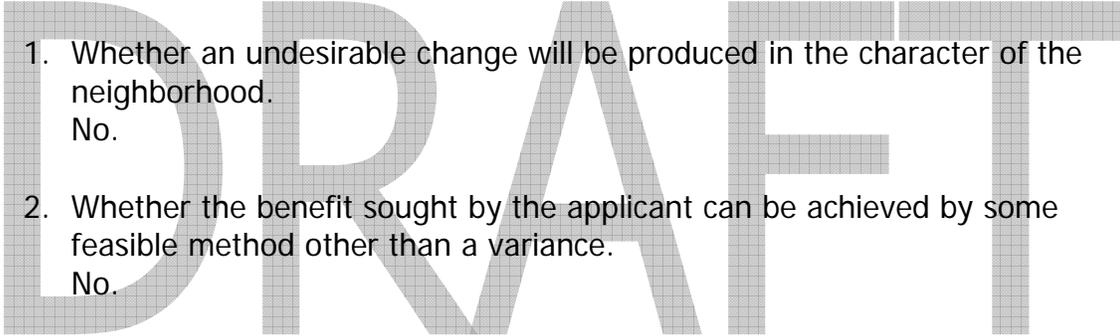
Mr. Jacobellis questioned the board's opinion of the 2 front yards on this property. The back of the property which abuts Terrace Drive will never be accessed or utilized by the owner. Mr. Michael Walsh, previous owner of home, said none of the other homes on Locust Drive have access, and more than likely, never will due to the Vails Grove Cooperative. Town Attorney Willis Stephens, was asked his opinion. If the lease/deed filed does not show frontage on Terrace, it should not be considered 2 front yards.

Mr. Tessmer, Zoning Enforcement Officer, stated if the applicant is changing original request presented to the Building Department, they would need to go back to the Building Department. Mr. Jacobellis stated the ZBA has the authority to decrease variance size. The Board agrees with this statement, and has no problem voting.

John Goff, Vails Grove resident, does not believe engineers report on septic system locations, based on living next door to the applicant's property. Mr. Colello stated he has no reason to doubt the Putnam County Board of Health and a professional engineer. Mr. Goff questioned the placement of trees on the map which would indicate the septic system is placed incorrectly. It was agreed upon, that possibly the map is incorrect, which would answer the question of trees on property. It was asked again about the art studio being used as a commercial business, and again the applicant so it was for personal use. Ms. Adeline Natiello, also a resident of Vails Grove stated that the coop is very strict about businesses being run out of homes, they will be the one to monitor activity. Public hearing closed.

Motion introduced by P. Vink to grant 3 variances for the garage: (1) 24ft front yard variance; (2) 6ft south side variance; (3) 8ft total setback variance. Seconded by T. Froessel

Criteria:

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1. Whether an undesirable change will be produced in the character of the neighborhood.
No.
 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.
No.
 4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
 5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote:

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

Variations were approved by a vote of 6-0

Motion introduced by P. Vink to grant 2 variations for the art studio: (1) 4ft south side variance; (2) 8ft total yard variance.

Seconded by K. Sheil.

1. Whether an undesirable change will be produced in the character of the neighborhood.
Yes. Different than most properties
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.
No.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No. But some concerns, reportedly will be taken care of.
5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote

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

Variations were approved by a vote of 6-0.

Richard & Susan Tofte, 238 North Brewster Road – The applicants were reminded that they were still under oath. Applicant is seeking to add 2nd floor to existing home. There will be no changes in bedroom or bathrooms (3/2). Since homeowner needed to replace roof, they decided to expand the house to better meet the family's needs. The board once again reviewed the plans. Public hearing closed.

Motion introduced by E. Colello to grant a 16ft north side yard and a 33ft rear east side variance.

Seconded by T. Froessel.

1. Whether an undesirable change will be produced in the character of the neighborhood.
No.
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.
Yes.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote:

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

Variance was approved by a vote of 6-0.

Alain & Linda Golay, 60 Minor Road – The applicant, Mr. Golay was sworn in. Mailings were checked, are in order. The applicant would like to erect 2 - 7.5ft stone pillars with lights on top on both sides of the driveway at the end of the stone wall and fence. This would also include a gate. The pillars will be approximately 30in x 30in. A variance which was granted in 2/22/99 for the fence did not include the pillars. Mr. Jim Healy of Minor Road stated the previous variance was for a different driveway. A question arose as to when the property was subdivided. This information will be available at the next meeting. Mr. Healy stated that the lights will shine in his front yard. He is also concerned that if a car is waiting for the gate to open, it may cause a traffic accident. Mr. Golay stated that there would be plenty of room for a car to come on property

while waiting for gate to open. The board will go out and look at the property. The applicant will return to the next meeting.

Dean & Lisa Abatemarco, 14 Old Route 6 – The applicants and Mr. James Nixon, were sworn in and the mailings were checked and are in order. Applicants have purchased this property which was once a pub/bar. At this time, the ground floor is vacant and the apartment upstairs is occupied by tenants. The applicant would like to building a 4 foot wide, covered front porch. They are hoping this space will eventually become retail space, thoughts of a general store. The plans were reviewed by the board with Mr. Nixon. Questions from the board mainly revolved around the parking situation. The only location for parking is in the front of the building, which is not owned by the applicant. The rear of the building is yard. Variances would be need for the front, west side and east side. The board cannot grant parking on property that is not owned by Mr. & Mrs. Abatemarco. Mr. Nixon will return to the March meeting with some answers regarding parking. It was suggested he speak to the Town Attorney and Putnam County, the probably owner of the needed area for parking, and see if the land can be leased for parking. If not, maybe the county will make parking on Old Route 6 permitted, or the applicant will need to parking in the rear of the building. Another option suggested by the board, would be to use the building as office space. Public hearing to stay open.

Arthur & Lenore Blumenfeld, 3 Marlin Road – Mr. & Mrs. Blumenfeld were both sworn in and mailings were checked and are in order. Mr. Blumenfeld stated that they wish to add a bathroom in the front of house off the master bedroom. This is a pre-existing, non-conforming property. Room will be 18ft by 8ft. Board reviewed pictures and survey. Public Hearing to stay open so the board can drive by home.

Meeting adjourned: 10:50pm