

**TOWN OF SOUTHEAST
ZONING BOARD OF APPEALS
CIVIC CENTER
67 MAIN STREET
BREWSTER, NY 10509
FEBRUARY 27, 2006**

Board Members

Edward Colello	Chairman	Present
Thomas Costello	Vice Chairman	Present
Timothy Froessel		Present
Kevin Sheil		Present
John Gallagher		Present
Joseph Castellano		Present
Paul Vink		Present
Willis Stephens	Town Attorney	Absent
Linda M. Stec	Administrative Assistant	Present

Ed Colello – Please rise for the Pledge of Allegiance. Pledge of Allegiance said. Good evening everyone. Welcome to the February 2006 meeting of the Town of Southeast of the Zoning Board of Appeals. My name is **Ed Colello**. Members of the Board are introduced. We have seven items on the agenda. Let me read them so we know what order they are in. Number one is Michael and Bonie Bonilla, number two is Linda Bresan, number three is Dr. Vidya Narasimhan, number four is Trent and Susan Andres, number five is Paul and Gelsomina Ghelarducci, number six is Louis Giaramella, number seven is **Eric Heinecke**.

**1) Michael and Bonie Bonilla
415 Brewster Hill Road
TM# 46.61-1-18**

Steve Straley, of Vinyl Tech, appeared for this application and was sworn in by **Tom Costello**

Steve Straley – This one is on Brewster Hill and is for a four feet front variance. There is an existing slab and an existing room there now which will be replaced. I brought a picture with me. And actually the picture of the next one is on the back.

Ed Colello – This is what you are going to be building?

Steve Straley – Yes.

Tim Froessel – Is this porch addition going exactly where the existing one is?

Steve Straley – Yes. We are making the deck 4 x 8 going out the existing deck.

Tim Froessel – Is it going to be any bigger than what is existing?

Steve Straley – No.

Ed Colello – The mailings were in order?

Linda Stec – Yes.

Ed Colello – So because we are on a corner we have two front setbacks? You have 30.8 feet and the requirement is 35. Do we have any questions or thoughts from anyone on this application? Are there any other questions from anyone on the Board on this application?

Tom Costello – The application was made by Jess Gray? Is she with your firm?

Steve Straley – She had class tonight.

Tom Costello – Do you know what was on the concrete slab prior?

Steve Straley – There was an existing aluminum structure.

Tom Costello – Are the dimensions of the new structure the same as the one that is there now?

Steve Straley – Yes, but we are putting a 4 x 8 landing.

Ed Colello – And your measurements are from the landing correct?

Steve Straley – Yes, I believe so. It doesn't go beyond the corner of the house.

Ed Colello – Can I ask you one question, this is the landing and these are steps coming down and this is the end of the house and how high off the ground is this point over here?

Steve Straley – Three feet.

Ed Colello – Does the spread between here and here the eight inches?

Tom Costello – The definition of “the required minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building , as the case may be, including terraces or any covered projection thereof, excluding uncovered steps.”

Ed Colello – Any other questions before we close the public hearing?

Steve Straley – No, I just would like to say that we are taking an existing structure and making it more attractive.

Ed Colello – Do you think you have had a fair and adequate opportunity to state your case?

Steve Straley – Yes.

Ed Colello – We will close the public hearing.

Public hearing closed.

Ed Colello – The applicant is looking for a five foot variance.

Tim Froessel – I would just to add that the applicant is looking to replace what they have.

Ed Colello – Any other comments from any other Board members? If there are not any other comments I will entertain a motion either in favor or opposed to the variance.

Tim Froessel – I will make a motion to grant the applicant a five foot variance on the Brewster Hill Road side to construct a three season room on the existing concrete slab.

Tom Costello – Second.

Tim Froessel – I will address the criteria.

1. Whether an undesirable change will be produced in the character of the neighborhood, (or a detriment to nearby properties will be created by the grant of the variance).

No, it is simply replacing the porch that is there it will probably look better.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

No, it can't with the slab there it makes perfect sense to built it exactly where it is.

3. Whether the requested variance is substantial.

No, five feet is not substantial.

4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.

It will have none.

5. Whether the alleged difficulty was self created.

No, I don't think it is self created.

Roll Call Vote:

Kevin Sheil – Abstain

Tom Costello – In favor

Joseph Castellano – In favor

Jack Gallagher – In favor

Paul Vink – In favor

Tim Froessel – In favor

Ed Colello – In favor

The variance was approved by a vote of 6-0, 1 abstention.

2) Linda Bressan
79 Scott Place
TM# 56.12-3-9-30

Steve Straley, Vinyl Tech, appeared for this application and was sworn in by **Tom Costello**.

Ed Colello – We have to share copies of this application. You want to walk us through this one.

Steve Straley – This one is a 9 inch variance.

Ed Colello – You are going off the back the front is too close to the property line.

Tom Costello – The setback is to the front line.

Tim Froessel – He needs the variance because it is a pre-existing non-conforming front yard setback.

Tom Costello – Is the deck already built?

Steve Straley – This is new proposed deck.

Ed Colello – Do we have any questions from anyone in the audience in regard to this? We are all set with the mailings?

Linda Stec – Yes.

Ed Colello – Do we have any questions of the applicant at this point? Are there any other final comments you would like to make?

Steve Straley – No.

Ed Colello – Do you think you have had a fair and adequate opportunity to state your case?

Steve Straley – Yes.

Ed Colello – Again the applicant is looking for a one foot variance in the front as this is non-conforming structure. I will entertain any motions.

Tom Costello – I will make a motion to grant a one foot variance to the existing house.

Jack Gallagher – Second.

Tom Costello – I will address the criteria.

1. Whether an undesirable change will be produced in the character of the neighborhood, (or a detriment to nearby properties will be created by the grant of the variance).

None at all the existing house will change in the amount of setback from the road the requirement for the variance is driven by request to build to deck in the rear of the property and the deck itself within the appropriate building envelope otherwise it meets all setbacks.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

To build onto this house in any way would need a variance.

3. Whether the requested variance is substantial.

No, it is not it is a one foot variance on a 35 foot required.

4 Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.

There would be none.

5. Whether the alleged difficulty was self created.

I would say no the house would be sited when it was built and deck was added late so it was not self created.

Roll Call Vote:

Jack Gallagher – In favor

Paul Vink – In favor

Tom Costello – In favor

Kevin Sheil – In favor

Tim Froessel – In favor

Tom Costello – In favor

Ed Colello – In favor

The variance was approved by a vote of 7-0.

3) Dr. Vidya Narasimhan

341 Route 312

TM# 42-2-48 & 49

Joel Greenberg, architect and Jagannathan Narasimhan appeared for this application.

Tom Costello – I would just like to remind you that you are under oath from last month's meeting.

Joel Greenberg – We are reminded. As you will recall from last month's meeting Dr. Narasimhan has purchased this house to relocate her office and we have been before the Planning Board several times and Putnam County has reviewed the project except for the one variance that we need. I think that we should you at the last meeting that existing parking for the house is same location that we are putting the parking for the doctor's office. It is important to note here that the parking lot is quite a few feet below Route 312 so that as you go down 312 there would be a few more cars than if there was a one family house, number one they are below the existing road level and number two the site is heavily wooded with a multitude of evergreen trees which keep it very well screened and fortunately the way we have laid out the parking they are very few if any, I don't think any of the evergreen will be taken down, just a few of the small ones. Again the existing situation is the house will exist as it does now, the well and the septic are in the rear of the house. The reason for the variance is for the parking in front of the house for the doctor's office, number one, the grade as you back to the house, number two there will be no grade from handicapped into the proposed office and as you go towards the back it is more severe. The existing septic system is approved by the Putnam County Department of Health and so is the well and we feel that the view that you see from Route 312 now that is a heavily wooded site will be basically what you will see the only difference will be a sign that announces the doctor's office and what the DOT requires for access and egress to the parking but aside from that the site will be heavily wooded.

Ed Colello – I went by and missed it twice. By the way we received approval from Putnam County Planning and it was approved as submitted.

Tom Costello – How many parking spaces do you have depicted?

Joel Greenberg – 13.

Tom Costello – How many are handicapped?

Joel Greenberg - Two.

Tom Costello – And that meets code?

Joel Greenberg- Yes.

Jack Gallagher – And how many employees?

Joel Greenberg – Three. The doctor works by appointment even though the code requires a certain amount of parking spaces I would doubt that all those spaces would be filled at the same time.

Tom Costello – What kind of doctor is your wife?

Jannathan Narasimhan – Allergist.

Joel Greenberg – As you go through the criteria for an area variance the character of the neighborhood will not occur as everything will basically remain the same and it will not have any effect on the neighbors and we haven't heard any comments tonight. As far as the amount of variance it is a large number but on the hand parking has been located in this area probably since the 40's or 50's since the house was originally built, and the most important point is that it is very well screened and the elevation.

Tim Froessel – My apologies if I am making you repeat yourself are any trees going to be cleared for the parking?

Joel Greenberg – No, as I mentioned before a couple of very small ones, but the large ones that you see will remain.

Ed Colello – Are there any questions from anyone in the audience in regards to this application. So you need a 100 foot setback, right?

Joel Greenberg – We have 20.

Tom Costello – So all of the parking is within the 100 foot setback? So it is really a 100% variance. The parking is supposed to be 100 feet away and you don't have any away.

Joel Greenberg – We have 20 feet away instead of 100. When this house was built the setbacks were different. Now that it is an ED zone to allow offices to be put in here.

Ed Colello – I think you mentioned that your wife has offices in Southeast now?

Nannathan Narasimham – She is in Barns until this is ready.

Ed Colello – How long do you think it will take to get this ready?

Joel Greenberg – If we get the variance tonight we have talked to the Planning Board to get on the March meeting and they will have the public hearing in April.

Ed Colello – For construction?

Joel Greenberg – A month. We are not going any to the exterior all the work will be in the interior and as soon as the weather breaks and with the exception of creating this flat top area of where the driveway meets 312 basically we just have to grade it we are not paving it we are not doing anything to change it.

Ed Colello – Any other questions of the Board? Any final comments you would like to make before we close the public hearing?

Joel Greenberg – I think we have made our case?

Ed Colello – Do you think you have had a fair and adequate opportunity to state your case?

Joel Greenberg – Yes.

Ed Colello – Have a seat.

Public hearing closed.

Ed Colello – I will just make my comments. The applicant is requesting a substantial variance there is no doubt about it where you have a 100 foot setback and he has a 20 foot setback but as the applicant has said if you go 100 feet now you are at the building there is not a lot he could have done. If you look at the site it does slope back. I don't know what he would have to do it would be a major undertaken. I don't think those cars in the front are going to bother too many people. It does slope down in the front below 312 I honestly don't think it is going to be an eyesore. It is just my opinion.

Tom Costello – I also went to visit the site and had the same problem you had initially to locate the site but I think where they describe where they want to put the parking will be highly noticeable and it will be safe and it will be separated from the road by elevation

change and by trees so the concerns of having some green space in an ED zone in distance I don't think it will necessarily effect this particular development. The size of the lot lends itself to this kind of a use in my view and it seems like a good use for the property.

Tim Froessel – It is heavily wooded in winter and in the spring and summer there will be more I think that very much mitigates the variance.

Ed Colello – If there is no other comments I will entertain any motion either in favor or opposed to the variance. I will make a motion to grant a variance of 80 feet where the requirement is 100 for the front parking setback. Do I have a second?

Tom Costello – Second.

Ed Colello – I will address the criteria.

1. Whether an undesirable change will be produced in the character of the neighborhood, (or a detriment to nearby properties will be created by the grant of the variance).

I don't think it will all number one the house is going to stay where it the parking is going to stay in the front we have all stated there is enough trees and green area and I don't most people without the sign there would notice any change in use.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

They could. Quite frankly they could put the parking to the side or behind the building but again as the applicant has stated with the slopes and the way it is set up it would be a major undertaking and I personally I don't think there is any need for it as we have the green area and the trees and so on.

3. Whether the requested variance is substantial.

It is obvious it is substantial the applicant is asking for a 80% variance they only have 20 feet of the 100 feet required but again I think that this is one of those applications that as **Tom Costello** says lends itself to this type of lot and I don't think it is worth having the applicant take down everything behind it.

4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.

No, in fact I think it has more of an environmental condition if we ask them to take all the trees and put in the parking lot behind the building that would be worse for the environment.

5. Whether the alleged difficulty was self created.

No, not at the all the house is already there it is not like the house is too close to the road the house is just about 100 feet deep from the road.

Roll Call Vote:

Kevin Sheil – In favor
Joseph Castellano – In favor
Tim Froessel – In favor
Paul Vink – In favor
Tom Costello – In favor
Jack Gallagher – In favor
Ed Colello – In favor

Ed Colello – You are all set we will give you something you can bring back to the Planning Board

The variance was approved by a vote of 7-0.

4. Trent and Susan Andres
51 Forest Lane
TM# 56.19-1-6

Trent and Susan Andres were sworn in by **Tom Costello**.

Ed Colello – If you could just walk us through the application.

Trent Andres – What we are trying to do is enlarge our kitchen we are trying to extend the house to the north side of the property line and do so we are lower level will extend. The downstairs will be an empty room. The upstairs we are trying to enlarge our kitchen in there and we are trying not to change all the kitchen cabinets in there we want to just add a pantry in there and put a island and a table. If we went towards to the front we would have to redo all the cabinets and the utilities come down from the street we would have to relocate all those utilities and we also have as curtain drain in front of house. It is a lot cheaper to go to the side. Internally in the house we would have to redo our living room and dining room so this is the only way we can go. When we purchased the house the setbacks were different it changed some time since the construction so we are violation of the 50 feet. We are taking down the deck so need five feet..

Tom Costello – Do you have a survey map?

Ed Colello – Do you have a copy of the letter of denial?

Trent Andres – Yes.

Ed Colello – Your deck wraps around your house?

Trent Andres – Yes.

Ed Colello – So you are going to take this whole side of deck off?

Trent Andres – Just from here. The deck runs into the house. There is an existing outside door which would be at the end of the deck.

Ed Colello – There are not going to be any stairs on this side then?

Trent Andres – That is correct. There are stairs right now. You will have enough room to get in without messing with everythijng.

Ed Colello –There is a north side requirement that they are short on and the total. As the applicant stated he needs 20 feet on the north side right now it is existing at 18.9 he is bring it down to 13 feet. so he needs a seven foot variance on the north side and the total

requirement which is 50 feet he currently has 38.9 feet and he is bring it down to 33.9., there is the five feet. So there are really two variances, you see how that works.

Tom Costello – Where is your home located?

Trent Andres – Do you know where Kobacker's is?

Tom Costello – Yes.

Trent Andres – Right behind it on Forest Lane.

Ed Colello – Just so we understand the north side requirement it is at 20 feet right now it 18.9 and for the total of 50 he only has 38.9 now so realistically he doesn't meet the requirements now.

Tom Costello – Now that I see the pictures you made the statement that this is the only place you could put the kitchen, can you show me why that is?

Trent Andres – It could come into the hill, but my drainage curtain and all the utilities from the street come down from this area up in here, in this bluff area is the transformer, from the Heights area, so what we want to do is extend it this way instead of coming this way.

Ed Colello – And that is the end of the deck?

Trent Andres – Yes.

Jack Gallagher – You are building the roof under the kitchen?

Trent Andres – It is going to be an empty room.

Jack Gallagher – You are taking the wall out of the foundation and expanding it to this new area?

Trent Andres – What we are going to do is leave the existing foundation alone, it is block foundation, on page three, you can see a there is existing masonry foundation there, what we would do is put an door just to right of that wall which would get us to the room underneath that extension.

Ed Colello – We need a copy of the denial letter for the file.

Tom Costello – What is the purpose of this picture?

Trent Andres – It just said in the application to show the surrounding neighborhood.

Susan Andres – The house that is right next to us they have no windows on that side of their home.

Ed Colello – Do we have any questions from anyone in the audience in regard to this application? I think we would like to take a look at this?

Tom Costello – I would.

Ed Colello – Our practice is to hear the application, open up the public hearing, and take a look at it over the next 30 days and then we will have you come back next month and hopefully we will be able to vote on it next month.

Tom Costello – Do you plan to do the construction yourself?

Trent Andres – No.

Ed Colello – When is our next meeting?

Linda Stec – March 20th in the Civic Center.

Ed Colello – And you will be number one. 8:00 PM.

Susan Andres – Do you want any more information?

Tim Froessel – The architect plan.

Ed Colello – One of the biggest things you have done for us is showing us where you want the addition to go is so that when we drive by we will probably not go on the

property from the road we will probably be able to visual it and get a feel for the neighborhood. So see you next month. The mailings were all in order?
Linda Stec – Yes.

5. Paul and Gelosmina Ghelarducci
16 Killian Lane
TM# 45.2-66

Paul and Gelosmina Ghelarducci were sworn in by **Tom Costello**.

Ed Colello – If you could walk us through your application.

Paul Ghelarducci – We want to put a in ground pool in the left side of property near the driveway. I have a letter from Nejame and Sons who are doing the pool stating that it is the best place to put it because of the ledge in the back. I also have a letter from the neighbor in the left side stating he has no issue have the pool over that way.

Ed Colello – Let me read this into the minutes, from Joseph Wald, 20 Killian Lane,

“I am aware that my neighbors Paul and Tonia Ghelarducci have applied for a zoning variance for a fence and pool setbacks. I have no issue with this variance that will affect me the most as it will be along a portion of my side property. There is a significant 12-15 foot drop and it will provide extra safety.

Sincerely,

Joseph Wald”

Paul Ghelarducci – This is the ledge we are talking about.

Gelosmina Ghelarducci – This is my neighbor’s driveway and this is the end of our property up here. Here is a long shot of our back yard.

Ed Colello – Where are you on Killian?

Paul Ghelarducci – We are down on the right, right before the cul de sac. From the street level our property goes up. I want to say it goes up 20 feet. From the street level you won’t be able to see the pool.

Ed Colello – So on the right side there is two houses after yours?

Gelosmina Ghelarducci – There are two after us. There is one after us that is all the way set back.

Jack Gallagher – What is supposed to depict?

Paul Ghelarducci – This is supposed to depict that we want the variance on this side of the property line, on top of this wall, the fence would be on top of the hill. You are looking out and this is the cliff on the other side here. There are a couple of garages you can’t even see. So we want to move the fence there for safety purposes. You can see here there is a lot of ledge that we were talking about. That is directly behind our house. We are going to put the pool here because the ledge goes down the back.

Tom Costello – Are you going to need to blast to do this?

Paul Ghelarducci – Not blast, chip, hopefully not too much.

Jack Gallagher – Is the area where you want the fence marked? I would like to go see it.

Gelosmina Ghelarducci – You can't see it from the road, you have to come up, get out of your car, walk back and then you will see what we are talking about unless you go in my neighbor's yard and go up.

Paul Ghelarducci – We also attached a survey so you can get a better feel from the survey. We also currently an above ground pool to the right of the house, it is a small 18 round and the pool guy said it should be the left there is a lot of issues with the well on the right. That would be coming down.

Ed Colello – Do we have questions of anyone in the audience?

Paul Ghelarducci – The house is set back also from the street you won't see it.

Ed Colello – Obviously we want to go look at this. Does anyone have any questions of the applicant tonight?

Tom Costello – The size of the pool is?

Paul Ghelarducci – 17 x 33.

Tom Costello – And what is this area in rear of the house?

Paul Ghelarducci – That is ledge.

Tom Costello – So the beginning of the ledge would be back here somewhere?

Paul Ghelarducci – I think it is a little bit closer to the pool mark towards the fence area. He is going to chip a little bit of that away so we have the proper room on the other side of the fence.

Tom Costello – You must really want a pool.

Gelosmina Ghelarducci – Do you need us to mark where we are going to put the fence? Because you definitely need to get out of your car if you are going to drive up.

Tom Costello – If you could put the stakes in the corner of the fence just so we have an idea of how it is marked. Do you have a garage? Is it under the house?

Gelosmina Ghelarducci – Yes.

Tom Costello – Would you have access to the rear of the property if you put the pool in there? Which way?

Paul Ghelarducci – This is the rear so we have steps going up. The pool would be over here, the fence would be on this side of the steps, we have access to the back.

Tom Costello – I am talking about a vehicle.

Paul Ghelarducci – It is going to come up this line.

Tom Costello – I would definitely like to take a look.

Ed Colello – So we will keep it open until next month. Again that is March 20th in the Civic Center. You will be number two on the agenda. We will see you next month.

**6) Louis Ciaramella
2 Clematis Road
TM# 56.14-2**

Louis Ciaramella and Aldo Di Vitto, architect, appeared for this application and were sworn in by **Tom Costello**.

Louis Ciaramella – I have two letters from neighbors.

Ed Colello –

“To Whom It May Concern,

I do not object to Louis Ciaramella construction of the addition at 2 Clematis Road, Brewster, New York. I am looking forward to the completion of this addition to the home.

Raymond Knetz
1 Clematis Road

Joseph Nuford
4 Clematis Road

Cracy Rhett
3 Clematis Road

Aldo Di Vitto – Our intention is to build a two story addition with stairs down to the basement. A second story master bedroom, closet and master bathroom. This is a split level which has no basement, has a very small crawl space. What we would like to do is build a basement. It would be existing house, it is a somewhat typical house that is the neighborhood. I have photographs of homes that are in the area. This is one across the street. What I am trying to demonstrate here is a very typical house. This is a variation of different additions that have been added on. What we are proposing is within scale and size of the existing home. We are not interesting in building a very large home. Something that would fit in with the neighborhood.

Tim Froessel – This house over here we gave a variance to five, six years ago.

Aldo Di Vitto – That is basically the same house. What we are proposing is the same exact thing. I can do this with same elevation and just change the look of the garage with a little overhang.

Tom Costello – Will the two roof lines be the same?

Aldo Di Vitto – As far as height? No, but they are the same pitch. It is very shallow pitch on the front and it drops down to a cathedral ceiling into the dining room. This would be the dining room this is very short pitch, this is a long pitch.

Tom Costello – So would the addition be higher or lower than the existing?

Aldo Di Vitto – Slightly higher than what I am showing right now, it is approximately 22 feet high at the ridge.

Tom Costello – How much higher will that be than the existing peak?

Aldo Di Vitto – I can scale that if you like, maybe three or four feet. I think we are allowed by code 35 feet. We are well below.

Tim Froessel – Are you planning to put a basement underneath the addition?

Aldo Di Vitto – Underneath the addition, yes, we are not sure if we can or not, depending on what we find, but that is our intention.

Ed Colello – Can I see the picture of the house is it is now? Are you changing the windows as well?

Aldo Di Vitto – That is what is what we would like to do as well. The windows are very short. If you were building this house today the windows would not meet code. In actuality they are grandfathered they are OK. We would like to change that.

Ed Colello – You are going to change the door and the garage doors?

Aldo Di Vitto – As far as the budget will allow us that would be one of our intentions to do so. We would like to reside the whole house, definitely change the windows in the whole house, change the roof, obviously that would be the last priority if we can afford to do it.

Tim Froessel – If I am mistaken there is a shed there?

Aldo Di Vitto – Actually there is no shed it has been demolished. We haven't moved it from site yet. What we would like to do is spruce the whole house. Our shed was here which was termite infested. It is a pre-existing non-conforming lot. What I drew in is the dotted line is the area where we are allowed to build the existing house is non-conforming. This is my first time in front of you so I decided to stop by last month. One of the comments you made last month was to minimize the impact of the setbacks requirements. Originally our intention was to build it even with the existing house but after hearing your comments we decided to move it forward so we are right on the 35 foot on the front which would minimize the variance. We are as far as lot coverage, we are allowed to cover 55% we are at 25.1%, we are pretty lot at lot coverage.

Tom Costello – R20, let me look in my book. It is 55% in the R20. What coverage do you have?

Aldo Di Vitto – 25%.

Ed Colello – We would like to do a drive by anyway so we can see the character of the neighborhood. Can I ask if there is anybody in the audience has any questions?

Tom Costello – How many bedrooms are there in the house currently?

Louis Ciarmella – Three and it will remain three.

Tom Costello – Where is the master bedroom?

Aldo Di Vitto – Here, there is no master bathroom.

Louis Ciarmella – I am expanding on the one bedroom to make it one large bedroom.

Paul Vink – That one be one level?

Aldo Di Vitto – There will be one step, we are trying to create a little sitting area, and the washing and drying a step up to break it up. And we will be adding a bathroom right now the master bedroom does not have a bathroom.

Tom Costello – Do you have Board of Health approval?

Aldo Di Vitto – We are sewer.

Louis Ciarmella – The septic was on the side.

Tom Costello – One garage is sufficient?

Louis Ciarmella – Yes.

Aldo Di Vitto – There is only one thing that we are now showing is that we would like to put a stair down to the basement from the outside. A full set of stairs.

Ed Colello – That is not going to be a structure. What is that in the back is that a patio?

Aldo Di Vitto – Yes.

Ed Colello – Is that going to stay?

Aldo Di Vitto – Yes.

Tom Costello – Are you going to change the windows in the back of the house?

Aldo Di Vitto – The one in the master bedroom will disappear, in the dining room will remain. Everything will be uniform and up to code.

Tom Costello – Will the chimney stay?

Aldo Di Vitto – That chimney will be replaced.

Ed Colello – Any other questions?

Louis Ciarmella – I don't have a contractor as of yet. If everything goes OK here next month I will hire a contractor.

Ed Colello – So we will see you next month on the 20th at the Civic Center.

Aldo Di Vitto – Where is the Civic Center?

Ed Colello – Did you ever go to the Building Department?

Aldo Di Vitto – Yes.

Ed Colello – Right there.

7. Eric Heinecke

7 Shady Lane

TM# 47.-3-10

Eric Heinecke was sworn in by Tom Costello.

Tom Costello – Do you have your mailings?

Eric Heinecke – No. No, I am sorry I sent them all out.

Ed Colello – Do you have the affidavit?

Linda Stec – I have the original.

Ed Colello – And it is notarized?

Linda Stec – Yes.

Ed Colello – I recall Willis saying that was good enough. OK. If you could walk us through tell us what you are trying to do.

Eric Heinecke – My father bought the place in the '40's there was a building on the property and there was two showers and a recreation hall and there was weddings inside and what not and it decayed and what not and I have been trying to rebuild it for the last twenty years and the roof caved in and the building was leaning towards the house and it was dangerous. And I have a six year old girl and I got a permit to take it down and the foundation is still there with the understanding that someday I would put it back up someday when I could afford it. Of course I couldn't build a building with bathrooms and everything. I got TNT to put a steel shed up and I have my lawn mower in there. There is no plumbing or electricity in there. It has a gravel floor. I have pictures. It has some windows to let some light in. It is a lot smaller than the original building. This one is 16 x 21. The original one I believe was 16 x 25 and it came out a lot further where the bathrooms were which are not there anymore.

Ed Colello – How long ago did you put this up?

Eric Heinecke – Probably about three years ago.

Ed Colello – And you didn't get a permit?

Eric Heinecke – No, I did not. I just put it on the foundation. Like I said I thought it would be OK.

Ed Colello – Can you show us the pictures?

Eric Heinecke – It shows the decayed steps and the sidewalks around it and the side when you get to it.

Ed Colello – That is still there?

Eric Heinecke – That is still there.

Ed Colello – You use it as a shed?

Eric Heinecke – You will see the tractor and lawn equipment. I tried to do a really nice job it is the same color of the house.

Tom Costello – Where is Shady Lane?

Eric Heinecke – It is off Milltown Road. Where the old restaurant used to be.

Tom Costello – Do you have a survey map of the property?

Eric Heinecke – Yes, and I have the original blueprint from the '40's.

Ed Colello – How big is the lot?

Eric Heinecke – A little under two acres. I also I have if it helps the company that put it up. It was very reasonable.

Ed Colello – So if I am going to Connecticut on Milltown this is on the right hand side?

Eric Heinecke – Left hand side. From the traffic light on 22 about 2 1/2 miles on the left.

Ed Colello – Before Gage?

Eric Heinecke – After Gage, about a mile.

Ed Colello – So let's talk about what you need here.

Tom Costello – How long have you owned the house?

Eric Heinecke – It has been in our family since '49 when it was built. My grandfather and my dad had it and it went up for foreclosure and I bought it and I am trying my best to put it together again.

Tom Costello – Do you live in the house?

Eric Heinecke – Myself and my dad and my six year old daughter and some great neighbors.

Tom Costello – Can you point out on this map where the shed is?

Eric Heinecke – The shed is right here and actually to be honestly you can take off four foot on this edge I thought it would be plenty big enough at the time by with my tractor I can just get the door closed now.

Tom Costello – And it is 16 x 21?

Eric Heinecke – It is lengthwise with the bucket on the front.

Tom Costello – It is as big tractor.

Eric Heinecke – It is a John Deere. And I have garden tractor and shovels and whatnot.

Tom Costello – Did you state what the dimensions of the lot are?

Eric Heinecke – The lot is 1.86. Something else I am trying to take care. This is the original.

Tom Costello – Which is yours?

Eric Heinecke – This one. I think this is the original plans. I think the first building was the outhouse.

Tom Costello – Would you mind if we came out and took a look?

Eric Heinecke – No.

Tom Costello - What happened that you got this letter from Mr. Harper?

Eric Heinecke – A couple of years ago I took the place down it was really dangerous and I was really scared and I got a permit for that and when I went down to talk to him and I said someday I would put a shed in the same place and they said they didn't see a problem with that and I couldn't afford to put a building with everything so I couldn't see the harm putting up a steel shed to put lawn equipment and it worked out really nice and it is sold on the existing foundation. Actually I didn't know I was really doing anything wrong. I went to refinance and it came up.

Tom Costello – The bank found out you didn't have a CO for the shed?

Eric Heinecke – Right, which I didn't understand but they said there was a 12 x 12 wooden structure so there must have been some kind of mistake.

Ed Colello – Are you in the processing of refinancing now?

Eric Heinecke – Yes, as soon as I get this straightened out.

Ed Colello – We need you to do one thing for us there is a question here with regard to the letter from Ron Harper if you could measure the difference from the closest point from your shed to the house.

Eric Heinecke – It is 14 foot.

Ed Colello – It is not 15. Your application states a distance of 14-15 feet.

Eric Heinecke – It is not 100% square I would call, you can get 15, you can get 16 but the closest point is 14.

Ed Colello – Great, then you don't have to do anything for us. And the building is safe and sound, it is all steel.

Tom Costello – Was it built in that location or was it dropped there?

Eric Heinecke – They had to build to, I believe it is 14 gauge steel.

Tom Costello – Is it anchored to the ground?

Eric Heinecke – It is right in the concrete.

Ed Colello – Do you have any comments, questions, thoughts or opinions?

Mrs. Terlizzi – I am from Save Open Spaces and we are always concerned when we get a letter from an adjoining property so one of our Board members did go and look at the property and walk the preserve and he did not have any issue with it.

Ed Colello – Do we have any other questions of the applicant? So we will see you next month you will be number four on the agenda. I don't think there is anything else you have to bring us. So we will see you next month.

Tom Costello – Can you bring us the white slips as well.

Eric Heinecke – I have them. The 20th?

Tom Costello – Right.

Paul Vink – I will make a motion to approve the minutes of January.

Tom Costello – Second.

Ed Colello – All in favor.

Tim Froessel – I will abstain.

The minutes were approved by a vote of 6-0, 1 abstain.

Meeting ended at 10:00

Submitted by.

Linda Stec

