

Town of Southeast
Zoning Board of Appeals
Minutes of June 16, 2008

Edward Colello, Chairman	Present
Thomas Costello, Vice Chairman	Present
Timothy Froessel	Present
Joseph Castellano	Present
Kevin Sheil	Present
Paul Vink	Present
Roderick Cassidy	Present
Mary Rhuda, Admin	Present

Regular Meeting:

Paul Jonke, 128 Joes Hill Road – The applicant is seeking a variance for an existing shed (16ft x 14ft) that is possibly in a wetlands buffer. The wetlands consultant, Mr. Cuomo has visited the property and advised that the property is in a buffer. The applicant has been asked the hire an inspector and have the wetland lines delineated. This Board has been advised that it is appropriate to vote on this variance, because the location of shed will not be changed after the inspection is completed. The applicant reminded the Board that two neighbors wrote letters to the board stating they had no issues with the placement of this shed. The Board visited the site discussed that the placement of shed is a logical as is. Public hearing closed.

Motion introduced by P. Vink to grant a 30ft north side setback variance
Seconded by K. Sheil.

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
None.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No.
3. Where the requested variance is substantial.
30% is substantial.

4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
No, from environmental consultant.

5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote:

R. Cassidy	Opposed
J. Castellano	In favor
T. Froessel	In favor
T. Costello	In favor
P. Vink	In favor
K. Sheil	In favor
E. Colello	In favor

Variance granted by a vote of 6-1.

Dunmore Corporation, 3633 Danbury Road – Representing the applicant, Jennifer Reinke, Keane & Beane; Theresa Ryan, Insite Engineering; Paul Sullivan, Dunmore; were all sworn in. The mailings were checked and are in order. The applicant is seeking 3 variances, maximum lot coverage, building coverage and open space. Dunmore Corporation is a light manufacturing company and has been located at this site for over 20 years. The equipment used is old and needs to be replaced, and the new equipment is larger and needs more space. The applicant also states that the building is old and needs some updating. This property is pre-existing, non-conforming. Ms. Reinke discussed the ZBA criteria and reasons why this application meets the criteria. The proposed addition is barely visible from Route 6, and is mostly seen from I-84.

Chairman Colello asked about plantings for screening. The applicant stated that they are, at this time, in front of the Planning Board, Zoning Board, and has had an informal meeting with the Architectural Review Board. They feel that since the Planning Board has site plan approval jurisdiction, they would be the ones to request certain plantings. This Board disagrees. The ZBA would like to see final project plans. It was suggested that they consult with a landscape architect.

The proposed addition is only a 7% expansion. All environmental permits have been received. An OSHA audit was completed 2 months ago and they received 2 fines at a random inspection. There was an electrical panel box that had spacers missing, and a door did not have an EXIT sign. They do have hazardous

materials on site, which are stored in drums or totes. All chemical are stores inside, none outside. This variance would have no impact on noise or odor and no additional employees will be needed. It was asked that the applicant bring a list of all chemicals on site to the next meeting. Public hearing remained open.

John Costello, 29 Orchard Drive (Vails Grove) – Mr. Costello was reminded that he is still under oath. The mailings were not completed at the last meeting, they are now in order. The applicant needs 5 variances: West, East, Total, Front-South, and Rear-North side variances for the construction of a 2nd floor addition as well as a porch and deck. Vails Grove has already given its approval of construction. 5 of the variances are no change. Public hearing closed.

Motion introduced by E. Colello to grant 5 variances as listed in the denial letter from the Zoning Enforcement Officer.
Seconded by P. Vink.

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
None.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
Impossible.
3. Where the requested variance is substantial.
Total is substantial.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote:

P. Vink	In favor
R. Cassidy	In favor
J. Castellano	In favor
T. Froessel	In favor
T. Costello	In favor

K. Sheil In favor
E. Colello In favor

Variances granted by a vote of 7-0.

Mikulas Beno, 650 N. Main Street –This application will be deferred until next month. Mr. Beno was unable to attend this meeting.

Vito Migliacco, 4 Tattle Hill Road – Mr. Migliacco was reminded that he is still under oath. The applicant is requesting variances for 3 pre-existing sheds. They have all been on the property for years. They are used to house lawn equipment, tools and lawn furniture. They are all wired with electricity. The applicant presented pictures of the sheds. Per site visit, the shed are placed in a good location on property and the neighbors have no issues. Public hearing closed.

Motion introduced by P. Vink to grant the 3 requested variances as stated in the Zoning Enforcement Denial Letter.

Seconded by T. Costello

Criteria:

1. Where 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. Where the requested variance is substantial.
Yes.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote:

K. Sheil In favor

P. Vink	In favor
R. Cassidy	In favor
J. Castellano	In favor
T. Froessel	In favor
T. Costello	In favor
E. Colello	In favor

Variance granted by a vote of 7-0.

Edgar (Skip) Floer, 8 Susan Road – Mr. Floer , the applicant is requesting 3 variances, front, east and total, to extend his garage to become a full 2-car garage and to extend the 2nd floor to add bedrooms. He also is requesting a variance for a new deck around his already existing pool. Mr. Paul Halton, a neighbor, came to the meeting stating he was in agreement with addition. Two letters from neighbors were also read. Plans were again presented to the board. Public hearing closed.

Motion introduced by E. Colello to grant the following: 8ft north/front setback, 13ft east side and a 31ft total side setback. (The east and total are to retain existing pool only.)

Seconded by P. Vink

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
None.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
Not really.
3. Where the requested variance is substantial.
Yes.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
None.
5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote:

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

Variance granted by a vote of 7-0.

Jose Inga, 34 Holmes Road – Jose and Hector Inga were reminded they are still under oath. The variance requested is for a gatepost, pier and a connecting wall. The connecting wall is 2.5 ft high, which is conforming. The pillars are non-conforming. The 1st pillar, the pier, is 4ft high. The 2nd pillar, for the gate, is 5ft high. The Chairman asked why they needed a gate, and the applicant stated they want it for security reasons. The applicant also had the light fixture that they want to have mounted on the pillars. This would bring the pillar variance with light to no higher than 7 ft. Public hearing closed.

Motion introduced by E. Colello to grant variance to allow applicant to keep existing pillars at current height with no future addition, except to add lights to back pillars, no higher than 7ft. (gate post)
Seconded by T. Costello.

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
No actual neighborhood, no character yet.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
Yes.
3. Where the requested variance is substantial.
Yes.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
None.
5. Whether the alleged difficulty was self-created.

Yes.

Roll Call Vote:

P. Vink	Opposed
R. Cassidy	Opposed
J. Castellano	Opposed
T. Froessel	Opposed
T. Costello	In favor
E. Colello	In favor

Variance denied by a vote of 4-2.

It was explained to the applicant that due to the denial, if he decides to reapply, the new application must be different than what was just denied.

K. Sheil had an emergency and had to leave the meeting.

Virginia Urbanski, 20 Marlin Road – Virginia Urbanski and Ted Fisher were sworn in, and the mailings were checked and are in order. The variance requested is for a pre-existing deck. Ms. Urbanski stated that the deck is approximately 15 years old and was built by her recently deceased father, and it was just realized that the deck is not up to code. The variance needed is due to up zoning. Public hearing closed.

Motion introduced by T. Costello to grant the following variances: 10ft front yard, 3ft east yard, and 2ft total yard setbacks.
Seconded by T. Froessel.

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
No objections.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No.
3. Where the requested variance is substantial.
No.

4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
None.
5. Whether the alleged difficulty was self-created.
Purchased property as is.

Roll Call Vote:

R. Cassidy	In favor
P. Vink	In favor
J. Castellano	In favor
T. Froessel	In favor
T. Costello	In favor
E. Colello	In favor

Variance granted by a vote of 6-0.

Victor Velasquez, 142 Milltown Road – Mr. Velasquez was sworn in, mailings were checked and are in order. He is requesting a variance for the construction of a deck off back of house to connect to pool. The pool already has a CO. He showed pictures and drawings. No problems with neighbors. The deck will be 16ft across and 8ft at the narrowest point near house. Public hearing closed.

Motion introduced by P. Vink to grant 3 variances: 3ft north side, front (no change); 10 ft east side, to connect deck to pool; 16ft total side yard.
Seconded by J. Castellano.

Criteria:

1. Where 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. Where the requested variance is substantial.
No.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.

None.

5. Whether the alleged difficulty was self-created.
No, CO for pool deck needed.

Roll Call Vote:

P. Vink	In favor
R. Cassidy	In favor
J. Castellano	In favor
T. Froessel	In favor
T. Costello	In favor
E. Colello	In favor

Variance granted by a vote of 6-0.

Putnam County Fencing, 999 Route 22 – Michelle Verhave, tenant, and Stewart Arbeit, owner of building were both sworn in. Mailings were checked and are in order. The applicant is requesting a variance for a business sign. The request is for different materials and size other than what the code allows. This space has been vacant for 8 years. The size of the sign requested is 16ft across and 34 inches vertically. The code allows for 2ft x 10ft. They wanted 3ft x 16ft. The applicant wishes to use the same materials on their sign that the other businesses in the shopping center currently use. The Board advised that older businesses are grand fathered until 2011, at that time, they will need to be in compliance. The owner of building states that this property is set back from the road much farther than other buildings, therefore, larger signs should be allowed. Applicant is to advise the difference of cost between an aluminum sign and a wood sign. If a variance was to be granted, it will run with property. Public hearing to remain open.

Adam Rolewicz, 237 N. Brewster Road – Mr. Rolewicz was sworn in and mailings were checked. He is requesting a front porch addition to his home. The current covering of the front door is hazardous and it needs to be removed and replaced. They do not use the front door at this time, due to condition of the porch. The board was presented with pictures of the applicant's home and porch, as well as other homes in the area with front porches like they one they wish to build. The proposed porch is 26ft x 7ft. Existing is 5ft x 4ft. Public hearing closed.

Motion introduced by T. Froessel to grant 13ft front yard variance as depicted in drawings.

Seconded by P. Vink

Criteria:

1. Where 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. Where the requested variance is substantial.
Yes.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
No, evidence.
5. Whether the alleged difficulty was self-created.
No, existing porch falling down.

Roll Call Vote:

R. Cassidy	In favor
J. Castellano	In favor
T. Froessel	In favor
T. Costello	In favor
P. Vink	In favor
E. Colello	In favor

Variance granted by a vote of 6-0.

Paul Castle, 147 Brewster Hill Road – Applicant was sworn in and the mailings were checked. The applicant is requesting a 10ft north side and 10ft west rear setback to erect a shed that will be 15ft x 35ft. Building shed to store lawn equipment, tractors, plow, patio furniture, quads, etc. The lot is .459 acres. The survey showed where the shed will be located on property. Due to the size of shed, the Board wishes to look at the property. Public hearing to remain open.

John Petrillo, 573 North Main Street – Mr. Petrillo and John Lynch were sworn in. Mailings are in order. This application is to build outdoor batting cages. The property is vacant and was most recently used as a staging area when the Village of Brewster sewer system was being built. The soil was tested, and there

were trace contaminants. In the 1980's this site was to be used for ball fields and a skating rink. The project is in the wetlands buffer and they will be applying for a wetlands permit. It is also planned to build a concession stand that will include bathrooms and storage. A resident had questions about the wetlands, hours of operation, signs, and lighting. Other Town boards will address these questions. The parking area will be shared with 510 North Main Street. This property is zoned approved for recreation. The size of the batting cages will be approximately 91.2ft x 138.7 ft and the concession building will be 21ft x 30ft. In the 1990's when I-684 was being resurfaced, they buried concrete slabs on property. The Board has asked applicant to bring in the results of the soil test to the next meeting. The public hearing to remain open.

Daniel & Maria Quezada, 35 Hillcrest Avenue – The applicant and Carla Marin were sworn in. Mailings are in order. There is a pre-existing, enclosed porch which has been turned into a room. The porch was enclosed rather than change the footprint of the home. The original deck with roof had a CO. They enclosed the porch without knowing they needed a building permit. The enclosure was done in 2001. The original letter from the Zoning Enforcement Officer was dated 11/1/06. Ms. Marin said that the applicant is unfamiliar with the procedures, and did not act immediately. The public hearing to remain open.

Motion introduced by T. Costello to approve the minutes of May, 2008.
Seconded by T. Froessel. All in favor.