

Town of Southeast  
Zoning Board of Appeals  
Minutes of July 21, 2008

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

Regular Meeting:

Dunmore Corporation, 3633 Danbury Road – Representing the applicant is, Jennifer Reinke, Keane & Beane; Theresa Ryan, Insite Engineering; Paul Sullivan and Tim Carroll of Dunmore. Ms. Reinke, went over the application to remind the Board that this 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

It was requested that the applicant submit landscaping plans and a list of chemical and supplies used at this property. There were eight solvents on the list and total 98% non-water solvents. Any by-products if the solvents that are hazardous waste, are taken off-site per EPA regulations. This expansion will not increase the amount of hazardous waste. There will be no change in existing operations. There will still be equipment outside, but no raw materials will be stored outside. The additional height in the building will not have a second floor. There will be a walkway to facilitate repairs and maintenance of the equipment. The façade will be extended to hide the HVAC unit that is currently on the roof. The applicant reminded this Board that they are also in front of the Planning Board and the Architectural Review Board.

The landscaping plans were reviewed. The plans showed more plantings and larger trees used to enhance the appearance of the building after the construction. It was asked what the caliper of the trees would be. It was not indicated on the plans, but the applicant was willing to agree to whatever size

this Board was requesting. The suggested trees would be Clump Birch. If so, you don't need the caliper. If the trees were 14ft in height, which is suggested that would be sufficient.

The applicant stated there were no plans to have any mechanical equipment on the roof. They may need, in the future, to have some machinery on the roof, but it would be on the low side of the roof, which is not seen from I-84.

The Board would like an expert to look at the chemical list before voting on this application. The applicant asked that the Board to please vote because the delay of the variance vote is holding up the whole process. The applicant asked what bearing the chemical list had on the variances. They were reminded that the Board does have to take into consideration the impact on environmental conditions. The public hearing will remain open.

Mikulas Beno, 650 N. Main Street – Mr. Beno was sworn in again. He is requesting a 15ft side yard variance for an existing roofed patio and fireplace. The Board visited the property and said the patio in question is aesthetically pleasing, but was concerned about any fire code violations due to the fireplace being under the roof. In the Zoning Enforcement Officer letter of denial, there was no mention of any other violations. The public hearing was closed.

Motion introduced by T. Froessel to grant the 15ft east side yard setback for the existing roofed patio and fireplace.

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. Existing patio
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.  
No evidence.

5. Whether the alleged difficulty was self-created.  
No. The applicant didn't do the construction.

#### Roll Call Vote

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

Variance granted by a vote of 4-1.

Putnam County Fencing, 999 Route 22 – Stewart Arbeit, owner of building was back and representing the tenant of his building. The applicant is requesting a variance for a business sign. The request is for the use different materials and size other than what the code allows. The size of the sign requested is 16ft across and 34in vertically. The code allows for 2ft x 10ft. They wanted 3ft x 16ft. Mr. Arbeit showed pictures of existing signs. In this shopping center and the shopping center across the street. He again stated that because his building is set much further back than the building across the street, he should be allowed larger signs. He was asked to get the price of signs using the different materials. The wood sign would cost \$715 and the aluminum sign would cost \$892.

The Board stated that this type of business, is a destination business. That most customers will be seeking out this type of establishment to shop, not just drive by and stop in. It was again reminded that all signs within the Town would have to abide by the new ordinance by the year 2011. If a variance is granted for a sign, that variance will stay with the property, even if the business changes.

Motion introduced by P. Vink to DENY applicant variance for both sign variances, size and materials.

Seconded by T. Froessel

#### Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.  
Yes. Especially after 2011
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.  
Yes. Street sign gives visibility

3. Where the requested variance is substantial.  
Yes, size, not as much for the material
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.  
No. New code in effect.

#### Roll Call Vote

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

Variance DENIED by a vote of 5-0.

Paul Castle, 147 Brewster Hill Road – Applicant was reminded he was still under oath. 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. He has no problems from immediate neighbors. The existing shed will be removed. Public hearing closed.

Motion introduced by P. Vink to grant a 10ft north side variance and a 10ft. west/rear side variance.  
Seconded by K. Sheil

#### 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.  
Maybe. More shed to the middle of the yard.
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. Wants to replace existing shed

Roll Call Vote:

T. Froessel                In favor

J. Castellano             In favor

P. Vink                     In favor

K. Sheil                    In favor

T. Costello                In favor

Variance granted by a vote of 5-0.

John Petrillo, 573 North Main Street – Mr. Petrillo and John Lynch are in front of the Board again requesting a variance to build outdoor batting cages and a recreation building. They discussed their desire to build the project for the children and residents of the Town. They feel this site is convenient to Markel Park. They are not encroaching on wetlands, just the wetlands buffer. The parking area will be shared with the existing building. The batting cages will be coin operated. Customers will purchase tokens at the concession stand. There will be approximately 4 employees.

There will be fencing around the cages and each unit will have security cameras. These cameras will also be used to film the children hitting as a learning tool. The hours of operation will be dependent on the need. The applicant gave the Board the requested water report. A resident asked how high the fencing around the waiting area would be. It will be 4ft. high. A discussion followed regarding the safety of the children. If a car veered off North Main Street, they would have no proactive barrier. The applicant stated that the fence is the same height as the one in front of Markel Park. The Planning Board will decide the lighting of the cages. The septic will be hooked up to the existing building. A resident stated this his daughter plays on the Rockets, and they have to go into Connecticut or to Dutchess County to practice. The applicant was reminded that he needs 4 out of 5 positive votes to be granted a variance. They wish to go ahead with the vote. The public hearing was closed.

The Board discussed that it would nice to see something happen with this property for families of the Town. Since we don't have a recreation center, this

is at least something that can be done with this property and not at any expense to the taxpayer. The variance requested is large, but it is a good use of the property.

Motion introduced by P. Vink to grant 3 variances: 20ft. side yard for the recreation building; 80ft front yard variance, batting cage; 38ft front variance for the recreation building. Conditions on lighting for the facility are downward. Seconded by J. Castellano

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.  
No. Improvement
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.  
No. Property up zoned
3. Where the requested variance is substantial.  
Yes. Absolutely. But benefits outweigh the size of variance
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.  
No. Documents reviewed by the other Board
5. Whether the alleged difficulty was self-created.  
Yes.

Roll Call Vote:

T. Froessel	Opposed
J. Castellano	In favor
P. Vink	In favor
K. Sheil	In favor
T. Costello	Opposed

Variances denied by a vote of 3-2.

Daniel & Maria Quezada, 35 Hillcrest Avenue – The applicant and Carla Marin were reminded they were still under oath. There is a pre-existing, enclosed porch that does not have a CO. The footprint of the home has not changed. The original deck with roof had a CO. The Board went to the property and

looked at the room. It is not encroaching on the property line. Public hearing closed.

Motion introduced by T. Costello to grant requested variances:  
5ft north side; 10ft east/front; 14ft total side variance.  
Seconded by K. Sheil.

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.  
None.
5. Whether the alleged difficulty was self-created.  
Yes. Enclosed deck without knowledge.

Roll Call Vote:

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

Variance granted by a vote of 5-0.

John Tomassetti, 12 Elmwood Drive – Mr. Tomassetti was sworn in and the mailings were checked and are in order. This applicant is requesting a variance for pre-existing shed. He needs a 9ft north/rear side and a 16ft east side yard variance. The shed is 12ft x 14ft which is used for storage. The height on the shed is approximately 11ft. The property is 100ft wide x 150ft front to back.

Mr. O'Hearn, a neighbor, states that this shed and the issues with the property directly affect him. He presented numerous pictures of the yard in disarray. The pictures show piles of wood and construction material. The applicant states he builds wood storage boxes used to hold garbage cans. He works for a management company that oversees Condo's. He brings work and materials home at times. He denies the accusation that he is running a business out of his home. The applicant has placed a carport on the property to build these boxes. The Zoning Enforcement Officer has received numerous letters of complaints regarding this property. It was questioned as to why the management company he works for has no storage on-site to keep materials. The Board wishes to visit the property. Public hearing will remain open.

Philip Sharac, 108 Scenic Ridge Road – The applicants, Jean & Philip Sharac were both sworn in. Mailings were checked and are in order. The applicant is requesting 3.5ft variance for spacing between structures, home and existing shed. The shed is 13ft x 13ft. Due to the slope of the property, the shed is placed on the only feasible site on the property. The shed was built in 1997. The closest point between house and shed is 11ft, they need 15ft. If needed, an emergency vehicle can get to the rear of the house another way. Public hearing closed.

Motion introduced by T. Froessel to grant a 3.5ft variance for the requirement of space between structures to keep existing shed.  
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. Slopes
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.  
No.
5. Whether the alleged difficulty was self-created.

No.

Roll Call Vote:

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

Variance granted by a vote of 5-0

Todd Armbruster, 11 Bloomer Road – Jennifer & Todd Armbruster were both sworn in, mailings are in order. There is an existing deck, which the applicant wanted to make larger. At that time, they found out the existing deck never had a CO when they purchased the home. The deck is 20ft. x 20ft. The variance requested is for a north(front), east and total side yard setbacks. They have no homes behind them. They abut the vacant land. No objections were noted at the meeting. The public hearing was closed.

Motion introduced by P. Vink to grant the applicant the following variances: 11ft front (north), 7ft east side, and 15ft total side setbacks.  
Seconded by T. Froessel.

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.  
No.
5. Whether the alleged difficulty was self-created.  
No.

Roll Call Vote:

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

Variance granted by a vote of 5-0.

Thomas Infantino, 49 Peter Road – The applicant and Mary Kate Roller were sworn in. The mailings were checked and are in order. The applicant is requesting a 7ft minimum space requirement between two structures. The applicant purchased this home with an in ground pool. Repairs and upgrades were done to the pool. After the repairs, the applicant was issued a summons. The Town stated that the CO for the pool was for an above ground pool, not an in ground pool. The applicant showed pictures of the original pool, and letters from residents stating that they are long time residents of Marnell Estates and new the original owners. The pool has always been in ground. Public hearing closed.

Motion introduced by T. Froessel to grant a 7ft minimum spacing variance.  
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.
5. Whether the alleged difficulty was self-created.

No.

Roll Call Vote:

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

Variance granted by a vote of 5-0.

Scott & Heidi Cerosky, 30 Seven Oaks Lane – Heidi Cerosky was sworn in and mailings were checked and are in order. The application is to demolish and rebuild an existing deck. The deck is non-conforming existing structure. A 14ft west side and a 4ft total side yard variances are requested. They purchased the home in 1999. They are not expanding footprint. A survey and pictures were presented to the board. The public hearing was closed.

Motion introduced by P. Vink to grant a 14ft. west side and a 4ft. total side setback variance.

Seconded by T. Froessel.

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. House is non-conforming.
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:

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

Variance granted by a vote of 5-0.

Motion introduced by K. Sheil to approved the minutes of June 16, 2008.  
Seconded by P. Vink.

All in favor. Motion passed by a vote of 5-0.