

Town of Southeast
Zoning Board of Appeals
Minutes of October 20, 2008

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

Regular Meeting:

John Petrillo, 573 N. Main Street – John Petrillo and John Lynch are once again in front of the Board requesting 3 variances for the construction of batting cages and a recreation building on this empty lot. Drawings and elevations were shown. It was also shown on the plans 35 parking spaces. When the applicant was working with the Planning Board, the parking spaces were scaled back. It was asked how the number of spaces was decided upon, since the usual ratio is 4 customers per 1 parking spot. There is a concern with the amount of parking and the applicant stated that any overflow would be able to park at Kobackers, across the street. If the adjoining lot were ever to have a baseball field on it, there would not be sufficient spaces. The Board feels the parking issues should be addressed at this time, instead of later. Village resident, Mr. McCauley had some questions for the applicant. Will alcohol be served? No. Will there be a PA system? No. What will be the hours of operation? Applicant would like to remain open until 11:00PM but will adhere to the Boards decision. In the winter, the batting cages will be closed, but as previously stated, the concession stand will be open. There will be no indoor seating. Various coaches, from the community, stated the need for this type of business. There are many teams in the area that have to go out of the area to practice. The coaches represented, baseball, softball, and women's softball. The Chairman would like the batting cages to close at 10:00PM. He says he can see adult teams using the cages late at night. It was asked if the applicant considered Lot 2 on the plans for the cages. He did not. The Pubic Hearing was closed.

Mr. Vink stated that he feels this is a great opportunity for the Town, and the variances should be granted on the best interest of the Town. The Planning

Board should deal with the parking, that this Board should not try to decided tonight on something that may not even happen. If the ball fields are ever open, the parking can be addressed at that time. According to the Town Zoning Code, this type of facility is a permitted use on this site. There is some concern that the entire batting cage and recreation building are in the wetland buffer as well as some parking.

Motion introduced by P. Vink to grant the following 3 variances:

- 75ft front yard setback for batting cage
- 25ft front yard setback for recreation building
- 15ft side yard setback for recreation building

Seconded by K. Sheil

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
No, zoned for recreation.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No. No matter where construction is, it will need a variance.
3. Where the requested variance is substantial.
Yes. 75% batting cages.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
Somewhat, minimized impact.
5. Whether the alleged difficulty was self-created.
No.

Roll Call Vote:

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

Variances granted by a vote of 4-2.

Vasyl & Maryann Polishcuk, 150 Peaceable Hill Road - Mr. Polishcuk was reminded that he was still under oath. The applicant is requesting variances to construct a front porch, rear deck (on existing home) and a detached garage. It was asked if he could move the garage, but the applicant stated that a rock path from the previous owner, was already leading to the space. He also said he had a lot of trees on areas of the property. There were no comments from any of the neighbors. Mr. Polishcuk said he wants to stay in the community and wants to improve on his home to make it nicer. Public hearing closed.

The Board will introduced two separate motions for requested variances.

Motion introduced by T. Costello to grant 2 variances for the front porch and rear deck construction

7ft south side setback and

18ft total yard setback

Seconded by P. Vink

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
No. Change is positive.
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.
Yes, wants to upgrade.

Roll Call Vote:

R. Cassidy - In favor

J. Castellano - In favor

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

Variances granted by a vote of 6-0.

Motion introduced by T. Costello to grant 2 variances for the detached garage/shed.

15ft north side setback

15ft east side setback

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.
None.
5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote:

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

Variances granted by a vote of 6-0.

Grand Central Inc., 301 Dingle Ridge Road - Richard O'Rourke, Jennifer Reinke, from Keene & Beane, Robin & Paul Greenwood, owners and Tim Taylor, project manager were all sworn in, mailings are in order. The owners are eliminating an existing structure and wish to build a new house for their caretakers. They are requesting a 4ft south side setback. The new structure, will reduce the already existing non-conforming structure. There will be approximately 10 people living in the home, all full time workers. Applicant was asked how much parking will be available. There will be 10 spaces by the manager residence and 5 additional spots in an other area. The structure being removed, is the one closest to Dingle Ridge Road. The new structure will be further back from the road and further away from any neighbors. A neighbor in the audience questioned the true number of workers on property. It was noted by a Board member that the property is a well-maintained, beautiful farm. With a farm of this size, you will have workers. Public hearing closed.

Motion introduced by E. Colello to grant a 45ft side yard variance
Seconded by R. Cassidy.

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.
4 acre zoning.
3. Where the requested variance is substantial.
45%. 100ft side setback required
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. They want a new structure

Roll Call Vote:

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

Variance granted by a vote of 6-0.

Matthew Castellano, 117 Tulip Road – Mr. Castellano was sworn in and his mailings were checked and were in order. This application is for variances of 80ft south side setback and a 86ft west side setback for an existing deck that is on a detached 2 bay garage. This garage was built prior to the last zoning changes. This property is the last one on the road and abuts Algonquin Gas property. The deck is basically used as an overhang to store equipment underneath. No neighbor comments. Public hearing closed.

Motion introduced by P. Vink to grant 2 variances:

80ft south side setback

86ft west side setback

Seconded by T. Costello

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.
No.
3. Where the requested variance is substantial.
Yes, zone change.
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:

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

Variance granted by a vote of 6-0.

Patrick & Leslie Tyndall, 16 Ivy Road – Mr. & Mrs. Tyndall was sworn in and the mailings were checked and are in order. The Tyndall's would like to add a mudroom and a 3-season sunroom to the home, and this is an enlargement of an existing, non-conforming structure. They are requesting a variance of 6ft on the north side. The structure was built 10 years ago. At the time of construction, they received a building permit and a Certificate of Occupancy, but no variance was obtained. They don't think they were every told they needed a variance. Public hearing closed.

Motion introduced by T. Costello to grant a 6ft north side setback on a pre-existing structure that already has a CO.
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.
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. Has CO.

Roll Call Vote:

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

Variance granted by a vote of 6-0.

Charles Koenig, 61 Blackberry Drive – Mr. & Mrs. Koenig was both sworn in and mailings were checked and are in order. They are requesting a variance for a 3-season sunroom, and to replace deck. The deck, which is already existing, needs the variance. The home was built in 1973, and if built today, would need a variance because of the zoning changes. Public hearing closed.

Motion introduced by E. Colello to grant 2 no-change variances:

3ft north side setback, and

7ft front side setback

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.
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.

Roll Call Vote:

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

Variance granted by a vote of 6-0.

Motion introduced by T. Costello to accept the minutes of 9/15/08 as submitted.
Seconded by K. Sheil. All in favor, motion accepted by a vote of 5-0.
T. Froessel abstained.