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ZBA Recap 6/19/06

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Hi All,

Fri Jun 23, 2006 6:06 pm

Ugh, I'm still bleary eyed after a 3.5 hour ZBA marathon last Monday night. The usual miasma of 'shed 'n decks' was peppered with over-sized signs, parked cars and questionable 'pre-existing, non-conforming' double-speak.

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Did I mention that I still love this Board- and I wasn't disappointed Monday night. In a complete surprise (to me anyhow) my heroes of the evening were Tim Froessel and Paul Vink. I almost always agree with Mr. F but not so much with the more conservative Mr. Vink, so of course it's fun to award him this very dubious honor.

"Lynne Eckardt"
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Yeah, the commentary that follows is sarcastic and completely unnecessary. Venting is a great release- it's why I've never had to rely on anti-depressants. Obviously the jaded opinions expressed are mine alone and reflect no Board of which I'm a member. Lucky them.

Agenda:

1. Prestige Petroleum- 1011 Route 22

Michael Liguori was the attorney of record. Six variances and one interpretation was sought.

1. Height of sign. Allowed 8 ft. asking for 12'.
2. Size of sign. Allowed 10 square feet. Asking for 48 sq. ft.
3. Allowed 15 ft. setback. Asking for 0.
4. Asking for a 2' variance for fascia.
5. Asking for 2 additional signs.

6. Interpretation on 'company colors' on fascia. Does this constitute a sign?

The applicant insisted that to compete with neighboring gas stations (His is Valero- located on 22/6 under the 'high bridge') he needs the variances above. Michael Liguori said that the area was already 'dumpy' looking. Many questions were asked and opinions given.

I said that I thought the area would look even 'dumpier' with more signage. I asked if granting these variances set a precedent. And if so would it encourage the surrounding companies to ask for variances after the seven year phase-out of old signage. No one knew the answer.

Mr. Froessel said he thought the sign size excessive and Mr. Vink didn't seem pleased with the 15' setback being totally waived.

The Board voted on 4 of the 6 variances asked for.

1. Height of sign- Denied 7-0
2. Size of sign requested. Denied 7-0
3. 15 foot setback to 0- Allowed. 6-1 with Paul Vink the dissenting vote.
4. 2 ft. variance of fascia. Allowed 7-0

This hearing was continued to the July meeting.

Brewster Honda: 866 Route 22

Michael Liguori is representing the applicant.

Brewster Honda is seeking an area variance for a land-locked parcel. To maximize parking and stay out of the wet-land buffer Honda wants to park cars within the setbacks.

With the variance they could park about 120 cars. Without about 75 to 80.

The Board pointed out that they had already issued a very difficult to obtain use variance within the last year.

Board member Tom Costello asked if they were allowed to park in the R/R right of way. This was not answered clearly.

I asked how wide the buffer was. Answer 100'. I commented on the disappointing 'Use Variance' and now Honda was back asking for more.

This hearing was continued until the July meeting.

Aman Properties: Old Mine Road:

This is the old Cesarine property at Tilly Foster. The applicant is represented by Dan Hollis.

There was a notice of violation issued as the Zoning Enforcement Officer feels there had been a cessation of the properties pre-existing non-conforming use. The uses had been: Storage, offices, motor vehicle repair, and outdoor storage.

The owner took possession of the property in July 2005. Several neighbors spoke in favor of enforcing the violation as they feel there was a clear cessation of use (almost 3 years ago) and the

property should now fall under updated zoning regulations. There were additional complaints of loud noise and heavy equipment brought in and out of the site.

One neighbor spoke in favor of the current use.

Mr. Hollis will be speaking to our Town Attorney as it appears the 'burden of proof' re. the continued permitted uses might fall to the Zoning Enforcement Officer. This Public Hearing was also continued to July.

Comments:

Prestige Petroleum:

Wow. I could go on, and on and on and... Michael Liguori of 'Hogan and Rossi' represented the applicant here. This is the old Savino gas station under the Route 22 'high bridge'.

I had thought that nothing could rival the Citco Station at the corner of Route 6 and Starr Ridge, but well, I've been wrong before. And I was here because there were six, count'em six variances sought. Plus one interpretation thrown in for good measure. On the plus side, at least we didn't bother with the cheesy subterfuge of stringing the variances out over a three year period... hoping against hope that the Board will have forgotten the last time they were there.

This Board doesn't forget much and Mr. Froessel and Mr. Vink both asked the tough questions. Mr. Costello was terrific as well- but then I pretty much think he can do no wrong.

Bottom line here: The Town Board enacted new, stricter sign ordinances last year and we'll have a 7 year time period to usher them all in. The ZBA voted wisely against the variance requests which should help preserve and protect the new code.

Brewster Honda:

Don't get me started...

When I asked questions on this gem Chairman Colello said, "You've never forgiven us for granting that use variance have you?" Nope.

But I did love when Mr. Colello chided Mr. Liguori for continually referring to a 'previously disturbed' controlled area since it was an area 'previously disturbed' by Honda parking their cars there. But Mr. Liguori is fun to watch as he has a nice temperament and takes criticism good naturedly. He's like that guy you should have dated but didn't because your parents liked him way too much.

Anyhow, when is it ever enough in this town? First we have Westchester Tractor coming back for 'seconds' and now this.

Aman Properties:

This entire peninsula jutting into the Middle Branch Reservoir is really 'Hatfield and McCoy' territory. Believe me when I tell you there is no love lost in this neighborhood. And there are some really nice people living there. Must be the water...

That said, on the surface the applicants seem to me to have a rather weak case. I was on the property twice while it was 'on

the market' and I saw little to no activity. Sure, the houses may have been used for 'office space' but as far as 'motor vehicle repair', 'outdoor storage' etc. when I was there I saw zip, zero, nada, zilch. The place looked as close to abandoned as you get. This case will be interesting as the very able Dan Hollis is representing the owner and Mr. Hollis instincts so far, vis-a-vis the 'burden of proof' falling to the Zoning Code Enforcement officer, is pretty brilliant. I mean, how on earth do you prove there was a cessation of use for over six months?

Sadly, there's a lot more here that went on behind the scenes- and might possibly have averted the current situation the neighborhood finds itself in now.

That's it from my desk. Please feel free to e-mail me with any comments you might have. I wish everyone a terrific weekend despite the grim forecast-

With Best Regards,
Lynne Eckardt

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Lynne Eckardt Jun 23, 2006
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