

3/5/08
R. Maffey

Town of Southeast
Zoning Board of Appeals
Minutes of February 25, 2008

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

Regular Meeting:

Vails Grove Golf Course, Inc., 230 Peach Lake Road – Mr. Peter Tavino and Mr. George Dean, owner, were reminded that they are still under oath. Mr. Tavino went over the application again for the board. The applicant is seeking a variance of 25ft. for a storage unit that has been on the property for approximately 20 years. The applicant has been advised by the Building Inspector and the Zoning Enforcement Officers of the Town of Southeast that this type of storage unit is not allowed under the Town code. It was suggested that the applicant refurbish the unit to look like a shed, or take it down. The applicant does not want to take down this fire proof, metal container. They wish to put steel siding on it with nicer doors, which is allowed under the town code. They were asked if they could possibly move the unit where a variance would not be needed. They do not feel this is an option because of the slopes. They have previously built a shed on the hill, and the cost of the foundation was too high and they do not want to do this again. The golf course sits on 45 acres of land and the Board has asked again if there is another place to move shed, not on the hill in question. The owners feel that to move the shed elsewhere, it would be an inconvenience for the maintenance staff, as well as, the possible interference with the golfers. At the last meeting, the neighbors had complained of garbage in the area near the shed, which abuts their property. Mr. Tavino said there has been no intentional garbage throwing. Possibly the wind has played a part of the garbage problem.

Mr. Colello wanted to discuss if this Board has the right to give a variance for a container that is not allowed in the town. He feels they need an interpretation – is this unit a shed or a storage container. If this is a container, they cannot give a variance, they can only give a variance for a shed. They feel that sheds have certain characteristics that this unit does not have. This will still be a shipping

container with nice looking siding. The Chair polled the board. The five members polled all feel that this unit will remain a storage container. If the applicant moves unit, where a variance isn't needed, then the Building Inspector and Zoning Enforcement Officer will then be the authority to decide if this unit can be changed to a "shed".

Mr. Cousens, the neighbor who abuts property, showed the Board pictures of the container, garbage, and a gas tanks that he sees from his property. He wants the applicant to clean up the mess.

It was suggested, by the Board, that this application remain open so the owners can go back and decide if they have other options that may be acceptable. This application has been held over to next month's meeting.

Wilfredo Cuascut, 175 Starr Ridge Road - Janet Torre-Levine, the previous owner was sworn in. The mallings were checked, and are in order. Ms. Torre-Levine explained that she sold the home approximately 2 years ago. At that time, money was held in escrow due to a barn on the property that does not have a CO. The barn was built approximately 11 years ago when the property was zoned R-60, it is now zoned R-160. The new owners, at first, wanted the barn to be demolished, but have not decided they want to keep it. To keep the barn, they need a 60ft variance. The barn is on a wooden foundation. This property abuts Rt. 684. No neighbors present at meeting. Public hearing closed.

Motion introduced by T. Costello to grant a 60 ft. variance to allow existing shed to remain.

Seconded by T. Froessel

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
No. Shed there for years. No complaints
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
Difficult.
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 testimony to this.

5. Whether the alleged difficulty was self-created.
Yes. They did not apply for a CO

Roll Call Vote:

J. Castellano	In favor
P. Vink	In favor
T. Costello	In favor
T. Froessel	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 January 28, 2008 as submitted.
Seconded by F. Cassidy.

All in favor.

Meeting adjourned.