

Town of Southeast
Zoning Board of Appeals
Minutes of May 19, 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:

Maria Lagana, 12 Cooledge Road – John Dedyo is again representing the applicant, Maria Lagana. The explained, once again, to the board that this application is for the construction of a second floor to this one story house. The second floor would consist of a master bedroom suite. The original bedroom will now become a family room on the first floor. The footprint will remain the same. Mr. Dedyo explained that the variance is for the existing front porch, no the addition. There was no public comment. Pubic hearing was closed.

Motion introduced by T. Costello to grant a 6ft. front 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.
No.
3. Where the requested variance is substantial.
Not substantial.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
No testimony to indicate any adverse effects.

5. Whether the alleged difficulty was self-created.
No. Older home, different zoning.

Roll Call Vote:

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

Variance granted by a vote of 6-0.

Envirostar, LLC. – Attorney John Maxwell and Tim Allen, of the engineering firm of Bibbo Associates, are representing 50 Fields Lane–the applicant. They were sworn in. This application is for an area variance. The applicant started to build a garage without the proper permits and were issued a stop work order and advised that they need to apply for a rear yard setback variance. They are also in front of the Town of Southeast Justice Court as well as the Planning Board for an amended site plan approval. There was much discussion of the history of this property not going thru the proper channels and getting the proper permits for different projects. The building in question is for the indoor storage of vehicles. The building is approximately 1050 sq. ft. It will store 1 large truck and a couple of smaller trucks. The property backs up to the ice-skating rink and the owners of the rink have no objections to this construction. Public hearing closed.

Motion introduced by E. Colello to grant a 22ft variance as depicted in the site plan, subject to the applicant following all site plan approvals per the Planning Board.

Seconded by P. Vink.

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
None whatsoever.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
Not at that site.

3. Where the requested variance is substantial.
Percentage yes, but the building is not huge.
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. Didn't go thru the correct channels.

Roll Call Vote:

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

Variance granted by a vote of 5-1.

Paul Jonke, 128 Joes Hill Road – The applicant is again in front of the board requesting a variance for an already existing shed. The shed is in the wetlands buffer and last month the board asked that the wetlands inspector go out and check the property. Per the applicant, the wetlands inspector did go and inspect, but this Board has not yet received anything in writing to advise if his decision. The applicant asked that the board go ahead and vote on the variance, since either way, he will need a letter from the wetlands inspector to get his building permit and CO. The board does not want to vote until they receive something in writing. This application will be carried over again.

Laura Kaufman, 22 Locust Road (Vails Grove) – Ms. Kaufman and Richard Vail were both sworn in. The mailings were checked and are in order. The applicant is before the board requesting a second floor addition. The footprint of the house will not change. The addition is for an additional bathroom, no bedrooms. A model of the construction was shown to the board. Vails Grove has already given their approval. No comments or letters from any neighbors. Public hearing closed.

Motion introduced by T. Froessel to grant a 1ft south side variance and a 10 ft. front setback variance for the construction for a 2nd floor bathroom.
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.
No.
3. Where the requested variance is substantial.
Minimal, no 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.
No.

Roll Call Vote:

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

Variance granted by a vote of 6-0.

John Costello, 29 Orchard Drive (Vails Grove) – Mr. Costello, Richard Vail and Kay Petroff were all sworn in. The mailings were checked, and are not correct. The applicant did not send the letters to all property owners per the Assessor's office list, which was provided, to them. They used a list that was given to them by the Vails Grove Office, which is not correct. It was also asked of C. Tessmer, Zoning Enforcement Officer, to double check the correct zoning of Vails Grove, to ensure proper mailing in the future. The public hearing will remain open and the applicant will send mailings to the property owners who were missed in the original mailings. 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. This application will be placed on next month's agenda.

Mikulas Beno, 650 N. Main Street – Mr. Beno was sworn in, mailings are in order. This application is for a variance for a patio with a roof that his tenant built without proper permits. The patio base was originally a shed on the property. There is just a roof, no walls and is held up by 6 x 6's. The board will go out to look at the patio, public hearing held open until next month.

Vito Migliacco, 4 Tattle Hill Road – Mr. Migliacco was sworn in, mailings are in order. The applicant is requesting variances for 3 pre-existing sheds that never had building permits or CO's. Two have been the property for 30 years and the other was built in 1999. They are used to house lawn equipment, tools and lawn furniture. They are all wired with electricity. The applicant presented pictures of the sheds. The board wishes to view the property, so this application will be carried over until next month.

Peter Lyons, 3 Townsend Lane – Mr. Lyons was sworn and the mailings were checked and are in order. The application is for a variance for a deck around his pool. The aboveground pool was just built in 2007, and the applicant has owned this property since 2001. The board viewed pictures of the pool and the proposed area for the deck. Public hearing closed.

Motion introduced by P. Vink to grant a 9 ft. rear (west) side variance
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.
No.
5. Whether the alleged difficulty was self-created.
No.

Roll Call Vote:

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

Variance granted by a vote of 6-0.

Edgar (Skip) Floer, 8 Susan Road – Mr. Floer was sworn in and his mailings were checked and are in order. The applicant is requesting 3 variances 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. Public hearing to remain open until next month.

Jose Inga, 34 Holmes Road – Jose and Hector Inga were both sworn in, mailings are in order. Jose Inga is the property owner, but Hector will be speaking for him. 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. This application does not include a gate or lights on top of the pillars. They will need to amend the application with the Zoning Enforcement Officer and come back next month with gate dimensions and lamp descriptions including height. Public hearing to remain open.

Motion introduced by T. Costello to approve the minutes of April 2008. Seconded by P. Vink. All in favor. Minutes approved, with T. Froessel abstaining.