

Town of Southeast
Zoning Board of Appeals
Minutes of November 17, 2008

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

Work Session: Blue Star 1 Really, LLC, #4 on the agenda should have been scheduled as a work session, not on the Regular Meeting Agenda. The variance that will be requested is a 6ft height variance, for a new construction medical office.

Regular Meeting:

Helen Vail, 7 Hilltop Lane – Mrs. Vail was sworn in and all the mailings were checked and are in order. The applicant is requesting 4 variances for an existing deck. This deck was built in the 1980's with Vails Grove Board approval, but a variance was never received. The applicant has recently sold this home, and money is being held in escrow, until a variance is received. Mrs. Vail, has a new letter of approval from the Vails Grove Board. There were no objections from any neighbors. Public hearing closed.

Motion introduced by P. Vink to grant the following 4 variances:

- 26ft Front (west) side
- 46ft Rear (east) side
- 35ft North side
- 65 ft Total side

Seconded by T. Froessel

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
No. Deck is 20 years old.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No, every portion of the house is in violation.
3. Where the requested variance is substantial.
Yes, each variance.
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
J. Castellano -	In favor
T. Froessel -	In favor
T. Costello -	Abstained
P. Vink -	In favor
K. Sheil -	In favor
E. Colello -	In favor

Variance granted by a vote of 6-0,

Rocco & Patricia Vigliotti, 18 Leona Drive -

Mr. & Mrs. Vigliotti were sworn in, mailings are in order. They are requesting a variance for an existing home extension that was built in 2004. They received a Certificate of Occupancy, but a variance was not requested at that time from the Town. They are in the process of obtaining a building permit to build a deck, which does not need any variances, and were told they needed to apply for the a variance for the construction from 2004. They showed the property survey and pictures of the home. Public hearing closed.

Motion introduced by E. Colello to grant the following 3 variances:

3ft East Side
1ft West Side
19ft Total Side

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
T. Froessel -	In favor
J. Castellano -	In favor
R. Cassidy -	In favor
E. Colello -	In favor

Variance granted by a vote of 7-0.

Louis Caldaroila, 91 Cooledge Drive – John Caldaroila, a cousin, is representing the applicant and was sworn in. Mailings are in order. During the refinancing process, the title search showed an illegal deck. The deck was already in place when the applicant purchased the property. It is estimated that the deck was built around 1979. Pictures and surveys were shown. Four variances are requested, and are pre-existing, no change. Public hearing closed.

Motion introduced by T. Costello to grant the following variances:
28ft South Side
16ft Total Side
3ft Front (east) Side

5ft Rear (west) Side
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. They can take down the deck
3. Where the requested variance is substantial.
Yes, existing.
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. Deck built without CO

Roll Call Vote:

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

Variances granted by a vote of 7-0.

Alex Serroukas, Eveready Diner, 90 Independent Way – Mr. Serroukas was sworn in, mailings were checked and are in order. The applicant is opening his 24 Hour Vintage 50-60's Diner in the building that was previously owned by Sonoma Café. He needs a 5ft sign variance for the one sign permitted, which will be on the building. The applicant feels that due to the location of the building, it is hidden from Rt. 84, and in order to have a successful business, he needs more exposure than currently allowed under the sign codes. Currently, the sign cannot be seen until you start driving up Independent Way.

The Chairman discussed the new sign ordinances and explained that by 2011, all signs within the town will have to be made to code. Any variances that are granted will stay with the building.

The proposed sign will be 9ft by 18.7ft. Currently, the maximum height allowed is 4ft. The 9ft is requested to balance out the sign. Pictures of the proposed sign were shown. The first line of the sign will read "DINER", then the company logo, a coffee cup, then Eveready Diner on the bottom.

The board discussed that since this is a commercial area, this variance request is definitely different than previous applications made to this board. The building cannot be seen, and the Board understands the need for exposure from the highway to make this a successful business. The variance is large, it is twice the size allowed. This application will be carried over until next month.

Ed & Donna Colello, 316 Joes Hill Road - Mr. Colello was sworn in and the mailings were checked and are in order. This application is for gateposts, stone pillars with lights, and connecting wing walls. The original application also called for an entry gate, but the applicant withdrew this request. Drawings were presented to the Board. Lighting will only be on the rear posts. The wing walls will be 4ft high, the stone wall without lighting, will be 6ft in height, and the gate post with the lighting will be approximately 8ft in height. The pillars will be right on the front property line, to try to join them to an already existing stone wall. The pillars will be in keeping with the character of the neighborhood. The board wishes to visit the property before voting. The public hearing will remain open.

Motion introduced by P. Vink to accept the minutes of the October 20, 2008.
Seconded by T. Costello. All in favor with T. Froessel abstaining.