

Town of Southeast  
Zoning Board of Appeals  
Minutes of September 15, 2008

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

Regular Meeting:

John Petrillo, 573 N. Main Street – Mr. Petrillo, sworn in last month, and Robert Cameron of Putnam Engineering, sworn in this evening are representing this application. Mr. Petrillo discussed his application again. He wishes to build batting cages and a recreation building on this 3.2-acre site. He needs two front yard and a side yard variance to construct the cages and building. The building will be used to store equipment and also have a concession stand. The hours of operation were discussed. The applicant is suggesting 10:00am – 11:00pm. The concession will be open at 6:30am with the hopes of serving breakfast to commuters. Mr. Petrillo compared this proposed business to that of the Red Rooster on Route 22. They will have similar uses and the facilities will be approximately the same size.

A question was asked last month about the noise of the bats hitting the balls. The balls used in batting cages are a different material, so the noise will sound deaden. If the batter misses the balls, the mat behind the batter will be a soft cushion to soften the noise. Mr. Petrillo stated that at this time, Markel Park has 2 batting cages and he knows of no noise complaints. The safety of customers was also discussed last month, and the applicant will be installing guardrails on Main Street to, hopefully, prevent any accidents.

The recreation building will be 20ft x 30ft. It will have 2 bathrooms. The concession will take up about 70% of the building. The rest will be for storage and the bathrooms. There will be an outside patio with tables and chairs. No

inside seating. In the winter, the batting cages will be closed, but the concession will remain open.

A sound report was submitted to the board for review. The company that will be selling the batting cages to the applicant did this report. This report shows the noise levels at different distances from the cages in the surrounding neighborhoods. The Board asked the applicant if he has drawings depicting the final look of this project. He does not at this time, but will bring sketches back for next meeting.

There were residents opposed and against this application in the audience. Both shared their points of view. The largest complaint from a neighbor is the noise and lights. Those in favor of the project, many parents, stated the Town is in need of this type of facility for our children.

According to the Town Zoning Code, this type of facility is a permitted use on this site. Public hearing remaining open.

Edward Weinstock, 103 Vails Lakeshore Drive – Mr. Weinstock was sworn in and his mailings were checked and are in order. The applicant is requesting 5 variances for an existing deck and an existing shed. Mr. Weinstock purchased the home with the deck and shed. He has the proper approvals from the Vails Grove Cooperative. The requested variances are North side, south side, total side setbacks for the deck, and building separation and south side setbacks for the shed. The board reviewed the survey. Public hearing was closed.

Motion introduced by T. Costello to grant the following variances per denial letter from the Zoning Enforcement Officer:

North side setback, deck – 19ft  
South side setback, deck – 16.25ft.  
Total side setback, deck – 55.25 ft.  
Building Separation, shed – 6.0ft  
South side setback, shed – 9.5ft  
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. Whether the requested variance is substantial. No, keeping in the character of the neighborhood.

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, applicant purchased home in 1995 with deck and shed already on property.

Roll Call Vote:

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

Variance granted by a vote of 6-0.

Eve & Al Carpino, 16 Wilson Road - Mr. & Mrs. Carpino was sworn in and the mailings were checked and are in order. They are requesting 3 variances for an existing pool and pool deck. The pool was constructed in 1999 and the deck in 2002. The applicants are thinking about selling their home and trying to get everything in order. At the time they built the structures, they did not get any permits. Public hearing closed.

Motion introduced by T. Costello to grant the following variances:

West side setback – 5ft.

Total side setback – 15ft.

Rear setback (north) – 15ft.

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

Variance granted by a vote of 6-0.

Vasyl & Maryann Polishcuk, 150 Peaceable Hill Road – Mr. Polishcuk was sworn and, mailings are in order. The applicant wishes to construct a front porch, rear deck (on existing home) and a detached garage/shed. He will need 4 different variances. The shed will be 20ft x 15ft and will be used for storage of equipment. The shed will have garage doors. The applicant will be doing all the construction himself. The board feels they need to go look at the property since the shed is rather large. The Board viewed pictures of the proposed locations of the projects. Public hearing will remain open.

Matthew Castellano, 117 Tulip Road - Mr. Castellano was sworn in and the mailings were checked and are in order. The applicant is requesting two variances for an existing deck on a detached 2 bay garage. The deck is 8ft x 8ft. The applicant thought a survey was submitted with his application, but it was not in the packets. The Board requested that the applicant bring the survey and pictures to the next meeting. They will also go to the property to view the site. Public hearing remains open.

Ralph Argiento, 75 Cooledge Drive – Mr. Argiento was sworn in and mailings were checked. The applicant would like to add a 10ft x 6ft mudroom to the front of his home. He wants to enhance the appearance of his house and the extra room will be nice since he plans on staying in this area. He needs 3 variances, but 2 are no change. He presented pictures of the home and plans with the new structure. The public hearing was closed.

Motion introduced by T. Froessel to grant the following variances:

East Front Setback, 10 ft.

South Side Setback, 2 ft,

West Rear Setback, 7ft.

Seconded by T. Costello.

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. Whether 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:

K. Sheil - 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 6-0.

Lawrence & Dolores Rubin, 112 Carriage Hill Road – Mr. Rubin was sworn in and mailings were checked and are in order. Mr. Rubin is requesting a variance for an existing shed. He needs and variance for building separation of 7ft. 2 in., requirement is 15ft. The shed was built too close to the home and is 10ft x 16ft. The shed is on a stone foundation, and was a pre-made unit. It was asked if the shed could be moved, but the applicant said it was basically built in that location to block the wind. There were no public comments. Public hearing closed.

Motion introduced by T. Costello to grant a variance of 7.2ft for minimum building separation.

Seconded by T. Froessel.

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. Yes, could move shed.
3. Whether the requested variance is substantial. Yes, need 50%.
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, he put shed at that location.

Roll Call Vote:

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

Variance granted by a vote of 5-1.

Brewster Realty, LLC., 2430 Carmel Avenue – Jack and Mary Hansen were sworn in, and the mailings were checked and are in order. The Hansen's are tenants of this building and own a daycare center. They would like to add a deck to the rear egress of the building with a handicapped ramp. Per New York State code, they are required to have a handicapped accessible building. The deck will be made with timberteck rail. The ramp will be 6ft wide. Daycare is a permitted use on this property. They showed pictures of the building and the survey of the property. Public hearing closed.

Motion introduced by T. Costello to grant a 5ft north side setback variance (no change)

Seconded by T. Froessel.

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. Whether 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:

K. Sheil	-	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 6-0.

T. Costello made a motion to accept the minutes of August, 2008.  
All in favor. T. Froessel abstained.