

Town of Southeast
Zoning Board of Appeals
Minutes of August 17, 2009

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

Regular Meeting:

Richard Crane, 255 N. Brewster, Road – Mr. & Mrs. Crane were sworn in and the mailings were checked and are in order. This application is for a 7ft variance front setback to construct a cover (roof) for the existing 4x5 wheel chair ramp. The covering is to keep Mr. Crane out of the elements when he is maneuvering his wheel chair from outside to inside his home. Public hearing closed.

Motion introduced by P. Vink to grant a 7ft front yard variance
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. Where the requested variance is substantial.
Not particularly.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
No evidence.
5. Whether the alleged difficulty was self-created.
No.

Roll Call Vote:

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

Variance granted by a vote of 5-0.

James & Lorraine Martucci, 41 Blackberry Drive – Mr. & Mrs. Martucci were sworn in, and the mailings were checked and are in order. This application is for the construction of a deck attached to their 3-season sunroom. The home is a pre-existing, non-conforming structure. Therefore, a 9ft variance is needed before the deck can be constructed. Public hearing closed.

Motion introduced by T. Froessel to grant a 9ft front (east) setback to construct a deck in the rear of home.

Seconded by J. Castellano.

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
No. Common condition in this neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No. Pre-existing condition.
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 evidence.
5. Whether the alleged difficulty was self-created.
No.

Roll Call Vote:

P. Vink - In favor

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

Variance granted by a vote of 5-0.

Thomas Williams, 46 Pumphouse Road – Mr. Williams was sworn in, mailings are in order. This application is to construct a covered front porch addition, which would be an enlargement of an existing, non-conforming structure. He is requesting 2 variances. The home is on a ½ acre parcel and the proposed covering is 10x6. The survey and pictures were presented to the board. Public hearing is closed.

Motion introduced by E. Colello to grant a 5ft South Side variance and a 1ft Total Side setback variance for the construction of the covered porch.
Seconded by T. Froessel.

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
No, will make property more valuable.
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 evidence.
5. Whether the alleged difficulty was self-created.
No.

Roll Call Vote:

R. Cassidy - In favor
J. Castellano - In favor
T. Froessel - In favor
P. Vink - In favor

E. Colello - In favor

Variance granted by a vote of 5-0.

Richard & Christine Ricotta, 17 Meadow Brook Court – Mr. & Mrs. Ricotta were sworn in, mailings are in order. The Ricotta's would like to replace an existing picket fence, which sits on top of a rock wall and measures 8ft in height. The Ricotta's will be boarding dogs and wish to keep the dogs on the property, and trespassers off. Three height variances are requested. 40ft of the property line, the fence will be 8ft high, and the rest of the property will be 6ft high. The current fence that sits on the rock wall is higher than what is now being requested. Pictures and drawings were presented to the Board. This is a commercially zoned property. There was a discussion if a variance is even needed, since they already have a fence. The Zoning Enforcement Officer stated that if the fence was being repaired, rather than replaced, they would not need a variance. Once they start to make any changes, all zoning requirements must be met. Public hearing closed.

Motion introduced by P. Vink to grant 3 variances:

5ft south front yard, 40ft of 8' high chain link fence,

3ft south front yard, 90ft of 6' high chain link fence,

3ft west front yard, 110ft of 6' high chain link fence

Seconded by R. Cassidy

Criteria:

1. Where an undesirable change will be produced in the character of the neighborhood.
No, reducing height.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No, fence on property line.
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, improving them.
5. Whether the alleged difficulty was self-created.
No, pre-existing condition

Roll Call Vote:

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

Variances granted by a vote of 5-0.

John & Jennie Ciavara, 21 Marlin Road – Vivien and John Ciavara were representing their parents and were sworn in. Mailings were checked, and are in order. The applicants have lived in this home since it was built. Four months ago, Jennie Ciavara had a stroke and is now wheel chair bound. They wish to stay in this home, there for changes will need to be made. This application is for the construction of a front addition so Mrs. Ciavara does not have to go up and down the stairs in the home. The 3 variances needed are all pre-existing, non-conforming with no change. Drawings were presented to the Board as well as pictures of other homes in this neighborhood that have had the same type of addition built. Public hearing closed.

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

- 11ft Rear (south) setback (no change)
- 5ft Side (east) setback (no change)
- 5ft Total side setback (no change)

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.
Standard in Brewster Heights.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.

No evidence.

5. Whether the alleged difficulty was self-created.
No, pre-existing, non-conforming

Roll Call Vote:

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

Variances granted by a vote of 5-0.

John Petrillo, 573 North Main Street – John Petrillo and Paul Lynch were sworn in. Mailings are in order. This project of constructing a Recreation Building and Batting Cages (1 lot) and Ball fields (1 lot) is again in front of the Board after receiving variances in October 2008. While trying to gain site plan approval, the NYCDEP has regulated the manmade pond a wetland and considered a watercourse. As a result, the applicant needs to reverse the lots that the batting cage and recreation building are on with the lot the location of the parking lot.

The variances that will be needed are a 10ft side yard and a 15.3ft front yard for the recreation building and a 70ft front yard variance for the bathing cage. These variances are less than previously granted.

This Board has not yet received the referral from the Planning Board, so no action will be taken tonight.

Althea Nastasi, 187 Prospect Hill Road – Ms. Nastasi and James Schoenig were sworn in, mailings are in order. The applicant has already built stone pillars with lights on her property, not realizing that she would need a variance. She is requesting a 5ft variance. The pillars are 40ft from the road. The property is located in 4 acre zoning; therefore, a 100ft front yard setback is required. The pillars are 6ft high w/2ft lights. Public hearing closed.

Motion introduced by P. Vink to grant a 5ft variance for stone pillars with lights as already built.
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.
Yes.
4. Whether the proposed variance will have an adverse effect of impact on the environmental conditions in the neighborhood or district.
No evidence.
5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote:

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

Variance granted by a vote of 5-0.

Motion introduced by E. Colello to accept the minutes of July, 2009.

R. Cassidy, abstained.

Approved by a vote of 4-0.