

TOWN OF SOUTHEAST ZONING BOARD OF APPEALS

**Southeast Civic Center
67 Main Street
Brewster, NY 10509
August 16th, 2004**

Board Members

| | | |
|--------------------------|-----------------------------|---------|
| Edward Colello | Chairman | Absent |
| Ronald Kobbe | Acting Chairman | Present |
| Thomas Costello | Acting Vice Chairman | Present |
| Timothy Froessel | | Absent |
| Kevin Sheil | | Present |
| John Gallagher | | Absent |
| Joseph Castellano | | Present |
| Willis Stephens | Town Attorney | Absent |
| Richard Honeck | Town Board Liaison | Absent |
| Linda M. Stec | Administrative Assistant | Present |

Ron Kobbe – Lets stand for the Pledge of Allegiance. Pledge of Allegiance said. Welcome to the August 2004 meeting of the Town of Southeast Zoning Board of Appeals. My name is Ron Kobbe, Vice Chairman. Members of the Board introduced. We have six items on the agenda starting with Terrence Quinn.

**1. Terrence Quinn
1625 Route 22
TM# 46-1-22**

Terrence Quinn – We ended it last month with you going to visit the site.

Ron Kobbe – Do you have your maps with you?

Terrence Quinn – Yes.

Ron Kobbe – Have you seen this one?

Tom Costello – Yes.

Ron Kobbe – Can you go over once again what you are doing?

Terrence Quinn – I repaired my old deck, I received a CO for that and Board of Health approval. It is an expansion of use, I didn't know that I needed that. So in order to get the CO in order I am asking for to allow to have the expansion of use of my dining room. The footprint is the same we are just using it. We replaced the old one for safety reasons, it was crumbling. I have a picture of what the old foundation looked like if that helps. And then also I have this letter regarding the waiver of the moratorium from the Planning Board that says the project is consistent with the plan. Once again this is for the CO for the deck.

Ron Kobbe – Did this go through the Town Board?

Terrence Quinn – Yes, I have one letter from the Town Board and the Planning Board.

Terrence Quinn – I have this one.

Tom Costello – This is the resolution that he has an exemption from the moratorium. What was the use of the deck prior to the current use?

Terrence Quinn – Nobody was using it because it was falling apart. This is what the foundation used to look like.

Tom Costello – The letter from Ron Harper says your application for a building permit failed to include the intended change of use to the deck.

Terrence Quinn – There was an application, I came down and talked to Mr. Jasko about putting a door in. And then he said you don't even need a permit you are taking out a window and putting in a door in.

Tom Costello – Is this the door?

Terrence Quinn – The door that goes out to it. So I did that and I brought it to him and showed him I have pictures of everything and drawings.

Tom Costello – Previous to that there was no access to the deck?

Terrence Quinn – Correct. There was one in the back, but I needed another one for the sides so there were two doors. So anyway once I put that in and I also sent them to the Liquor Authority as well, he said you didn't tell me you were doing that to use it, I said yeah. Then he said you have to go get the approvals for that.

Ron Kobbe – So you went to the Planning Board?

Terrence Quinn – Yes.

Ron Kobbe – You have an amended site plan?

Terrence Quinn – The footprint and everything was the same.

Tom Costello – What zone is this? HC 1? This is a permitted use that is why this is confusing me.

Ron Kobbe – I think what it is an enlargement of the building, 138 11 C 1.

Tom Costello – So it is an extension of a non-conforming building, not of the use.

Terrence Quinn – I thought it was the use because I didn't expand the building.

Tom Costello – But you are expanding the structure with the deck.

Terrence Quinn – It was already there.

Tom Costello – But you are putting a roof on it.

Terrence Quinn – Yes, but the footprint is the same.

Tom Costello – You are expanding the dining area.

Terrence Quinn – Correct.

Tom Costello – What did you go before the Planning Board for?

Terrence Quinn – For the expansion of use.

Tom Costello – And what did they say?

Terrence Quinn – They sent me to you, they said it was a zoning issue.

Tom Costello – 138 11, proposes the expansion of existing use, more specifically the expansion of the dining area on to the outside deck or hard roof over the outside deck.

Ron Kobbe – C 1, which is non conforming use of structures.

Tom Costello – Right.

Ron Kobbe – So he needs a variance from 138 11 C.

Kevin Sheil – Can I see the pictures?

Ron Kobbe – Is there anybody in the audience that has any questions about this application?

Lynn Eckardt – I just have a few quick questions? How long has the deck been used?

Terrence Quinn – For the last three years. As far as I know it was in use a long time ago before my time.

Lynn Eckardt – How many diners or tables does it have?

Terrence Quinn – Seven tables out there, anywhere from 20 to 28 people.

Lynn Eckardt – It has been looked by the authorities?

Terrence Quinn – I have Board of Health approvals, I have written approvals from them for that, I recently just did the septic over, it is all Board of Health approved.

Lynn Eckardt – Thank you.

Kevin Sheil – It was approved in anticipation of this being approved, the restaurant being expanded for the amount of people.

Terrence Quinn – They gave me a number of how many I could have whether it was two rooms, three rooms, to make the building twice as big. Anywhere from 80 to 100.

Ron Kobbe – How many do you have?

Terrence Quinn – It won't be 80, it is just too small. This is what it looks like now, with the stairs right over here.

Kevin Sheil – What is the foundation, cinder block?

Terrence Quinn – It is poured cement and that was inspected by Mr. Jasko.

Tom Costello – The only thing I am confused about the application doesn't mention anywhere a roof on the deck. It takes about the expansion of use of the dining area. Which is the 138-11 C 1 A that we have been talking about. If you want to put a roof on it, I think it needs to be separately covered.

Terrence Quinn – Originally I was applying ...

Ron Kobbe – Now you just have an awning.

Terrence Quinn – And it is seasonal. What I would like to do is draw the plans and get a hard roof on it.

Ron Kobbe – You haven't applied for that yet?

Terrence Quinn – No. And I originally did and then I took it out to make it easier for this but if I could get that now I would rather do that.

Tom Costello – I don't think so.

Ron Kobbe – Being that you didn't come to the Planning Board with that, we can only do...

Terrence Quinn – I did though the Planning Board.

Ron Kobbe – For a hard roof?

Terrence Quinn – Yes, that is on the original application.

Tom Costello – In the referral letter it says "project proposes expansion of existing use, more specifically expansion of the dining room onto the outside deck and the construction of a hard roof."

Terrence Quinn – If I have approval for that it would be a Building Department permit at that point.

Ron Kobbe – We only have four members and we normally have seven if someone should vote against your application it would be turned down. If you want us to take a vote tonight or wait until we have more members you have that option.

Terrence Quinn – I think I will go tonight.

Ron Kobbe – Do you think you have had a fair and adequate opportunity to state your case?

Terrence Quinn – Yes.

Public hearing closed.

Tom Costello – I will make a motion to grant the variance to allow the use for the site known as Kelly's Corner to expand onto the deck and for the construction of a hard roof over the existing deck as covered under Section 138-11 C of the Zoning Code.

Joseph Castellano – Second

Tom Costello – I will address the criteria.

1. Whether an undesirable change will be produced in the character of the neighborhood, (or a detriment to nearby properties will be created by the grant of the variance).

I don't believe there will be an undesirable change it is an existing restaurant. The applicant has demonstrated more than adequate number of parking spaces to meet the needs of the existing restaurant plus the additional parking spaces to cover the expansion of the dining off the deck and there is no real change in the character of the neighborhood as a result of converting this existing deck into a dining area.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

Not really. It is a small preexisting lot with the existing business I think if the applicant wanted to improve the site by taking down the old unsafe deck and putting on a safe deck and making use of it for his patrons.

3. Whether the requested variance is substantial.

It is always a substantial variance in my view when a non conforming lot has an expansion upon it but in this case I think the nature of the area, it is a business area and I think it has adequate parking so I don't the substantial nature of the variance is that critical.

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

As the applicant stated in his testimony approval has been received from the County for a septic system which he has installed which is sufficient for 80 – 100 patrons. He testified that with the addition of the deck he will have below 80 patrons in the entire site so he has a septic system that is more than sufficient for the site.

5. Whether the alleged difficulty was self created.

It was self created because the applicant wanted to improve the site and because it is such a small preexisting site any kind of construction would require a variance but I think it is mitigated by the fact that the applicant wanted to improve the site and he was acting in a way that he thought was the proper way by getting the building permit to build the deck and it was through an oversight I believe the expansion of the use was not covered in that review process I believe it is appropriate to give him the variance.

Roll Call Vote:

Joseph Castellano – In favor

Kevin Sheil – In favor

Tom Costello – In favor

Ron Kobbe – In favor

The variance was approved by a vote of 4-0, 3 absent.

Tom Costello – You can take this form to the Building Department tomorrow and get the process moving forward.

2) John Connolly 28 Rockledge Drive TM# 79.12-1-21

Ron Kobbe – If there is anyone here for Ross Allan they asked to be put on the agenda for next month so they are not on the agenda tonight. Number two is John Connolly. This is held over from last month. Can you go through your proposal?

John Connolly – My application is I have a fairly steep driveway it goes into a front entrance garage. I am looking to replace the driveway with one that comes in the side of the garage and the variance I am looking for is to have enough clearance to drive into the side of the garage. I will go into the setback by a little over 6 feet, so I am looking for 13.7 from the property line instead of the 20 feet that is required. The reason why I am looking to do this is my driveway is fairly steep such that children can't play in the driveway. I already had one incident where my son almost ended up in the street. So if I put it on the side of the house where the area is flat right outside of the garage he will use that space. My proposal here is not inconsistent with driveways, garages are situated in the neighborhood. There are quite a few homes with side entrance garages and in fact as you go through the neighborhood, I know a couple of Board members said they wanted to look at, there are a fair number of driveways which I believe are within 20 feet, less than 20 feet from the property line. So I think it is fairly consistent with the neighborhood I am not actually looking to go that close I am going to be still almost 14 feet from the property line so I won't be right on top of the property line. And I got some pictures if you are interested. Out to the edge of the fence there is 36 feet, 35 feet so it is distance to house from the property line is 42 feet I think, 43.7, so there is another 11, 10 feet beyond the fence where the property line and this driveway would come up here.

Joseph Castellano – How wide is the driveway going to be, can you put two cars side by side?

John Connolly – Yes, I am planning making it about 18 feet wide.

Joseph Castellano – The neighbor to the left has the same kind of driveway, right?

John Connolly – Yes.

Tom Costello – The width of the driveway near the road is going to be 18 feet?

John Connolly – No, it is going to be a little bit wider. It will be 18 feet going up. In the plans it will be 25 feet. And the driveway itself, the layout of the plans has been approved

by the Highway Department, the approved it subject to it was within the required setbacks.

Tom Costello – Does the driveway need to be 18 foot the whole width going up?

John Connolly – The width of the driveway wouldn't make it any less distance from the property line. The reason why I say that is the reason I have it scoped down at 13.7 is to be able to swing the cars into the garage so even if I reduce the size to 16 or 15 it would be taken off here not on the edge here. Because this is going to be the outlying edge where you drive up and swing into the garage.

Tom Costello – You could shape it this way. A curve that would add more green on the neighbor's side of the driveway.

John Connolly – My concern there is that it makes it a little tougher to go down the driveway.

Tom Costello – I assume the reason why you want a 30 foot apron by the garage door is so that you can turn around where today you may not be able to the way it is constructed.

John Connolly – Yes, that is right. It is wide at the top and then it narrows down. I understand what you are saying about swinging out but I can't tell you how many people with a straight driveway wind up on my yard because it is a fairly sloped driveway, very hard to back out. It would make it a little more treacherous to try to, I actually thought of that because it might look a little neater but I think it makes it a little more troublesome to try to back down.

Tom Costello – Do you know what the slope of the driveway is, the grade?

John Connolly – I looked at it, I think it is about 10 degrees or so.

Tom Costello – The max is 15.

John Connolly – I know it is not above the max.

Ron Kobbe – It is flat over here?

John Connolly – It would be flat over by the house, the house is left, this is the house I am looking to put the driveway here so it will be flat with the same contour of the house and I will still have the slope coming down the driveway. You still have to get up to that point.

Ron Kobbe – Did you talk to the neighbor to the left?

John Connolly – I haven't he travels quite a bit so I haven't spoke to him. He was obviously on my distribution of my letters. There is almost from the where the fence ends there is almost another 10 feet, it my property and then we have the setback from his house from the property line, I guess it is over 30 feet or so.

Ron Kobbe – Is there anyone in the audience that wants to speak regarding this application?

Tom Costello – Who is your nearest neighbor that is effected?

John Connolly – That is Fields. That is the one whose house you can see.

Ron Kobbe – As I told the first applicant there is only four members here so you have the option of waiting for us to vote next month or to go tonight.

John Connolly – I will go tonight.

Ron Kobbe – Do you think you have had a fair and adequate opportunity to state your case?

John Connolly – Yes.

Ron Kobbe – I will close the public hearing.

Public hearing closed.

Tom Costello - I will make a motion to grant the variance to construct the driveway within the side yard depth, the variance would be seven feet where the requirement is 20.

Kevin Sheil – Second.

Tom Costello – I will address the criteria.

1. Whether an undesirable change will be produced in the character of the neighborhood, (or a detriment to nearby properties will be created by the grant of the variance).

We have had no testimony from any of the neighbors and it appears that this driveway would be in the character of the neighborhood and would provide a safer environment for his children to play closer to the house on the flat area of the property.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

No, it cannot the property is such that in order to constructed a driveway on the side of the property it would put the driveway on the side of the house that requires a variance.

3. Whether the requested variance is substantial.

I would say that it is 35% so it not substantial, but it is large but it is mitigated by the fact that the nearest effected neighbor is quite some distance away.

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

No more than the current driveway which has none.

5. Whether the alleged difficulty was self created.

It is self created in the fact that the applicant wants to relocate his driveway to allow for a side entrance to the garage and an apron from the garage doors to allow his children so it is self created by I think it is not reason enough to not give the variance.

Roll Call Vote:

Joseph Castellano – In favor

Kevin Sheil – In favor

Tom Costello – In favor

Ron Kobbe – In favor

The variance was approved by a vote of 4-0, 3 absent.

3) **Steven Hewitt**

211 Joe's Hill Road

TM# 57-2-4

Michael Sirignano, attorney, appeared for this application.

Michael Sirignano – Good evening. We presented the facts from the argument at the last meeting I hope that some or all of the members had a chance to visit the site.

Essentially the variance is pertaining to existing structures that would be throw into non-conformity by reason of a subdivision line that would create two separate lots, 4.9 acres which is shown as Lot 2 on the map. The Planning Board adopted a negative declaration on May 10, 2004 and which made specific findings that this subdivision would not result in significant disturbance in any environmental features, would not result in significant generation traffic and would be consistent with zoning regulations and community character. The subdivision would allow the construction of new lot on Lot 2 which is currently vacant land and there is no proposal to construct anything on Lot 1, it is Lot 1 that we need the variance for. So we are not asking the Board to accept anything on faith, we are not going to change the character of the neighborhood because they are already an existing pool, pool shed, cabana and the driveway area, turn around area.

Tom Costello – The character of the neighborhood is changing due to the construction of the house.

Michael Sirignano – That is not the function of the variances that we are seeking. In other words we could tear up the pool and as a right subdivide and put a house there. These are oversized lots, we are in a R-160 zone and the hardship is obviously these are perfectly nice improvement, site improvements, the pool, the cabana, the pool shed and it would be an economic hardship to tear them up in order to avoid what I consider to be rather minor variances. The critical thing is that there is no impact on any neighbors. Mr. Stevens was here last month and I see he is here again. He is down here. The granting of these variances will have zero impact on his property. We are hundreds, hundreds of feet uphill from him. You are welcome to see this.

Mr. Stevens – I took a look at the survey with one of the members of the Zoning Board of Appeals and he gave me a better idea of exactly where we were talking about.

Michael Sirignano – Your property is down in the bottom here.

Mr. Stevens – The house is here. I am trying to see, my property goes along here. We looked and you had mentioned at the last meeting perhaps some trees could be planted or something like that. If you could put some evergreens say along that line right here. If you could do that I would appreciate it.

Michael Sirignano – I think that would fine. It is just a question if there is enough sunlight to sustain them. We would be glad to do that.

Tom Costello – What is the vegetation in that area now?

Mr. Stevens – Mostly hardwoods. There are some evergreens, but mostly hardwoods.

Tom Costello – You are concerned about the visibility of the ground level basically?

Mr. Stevens – Yes. Some evergreens here would remove...

Ron Kobbe – He is looking down. He is up here.

Michael Sirignano – I don't think that is a problem. You want us to screen.

Mr. Stevens – This would be the house. I wouldn't it that far.

Michael Sirignano – From right down to here is 100, between my thumb and my finger is a 100 feet. So it would be another 70 feet down this way. Which actually we are off our lot. So it would be about 150 feet from here to here. Is that enough?

Mr. Stevens – I think that would cover it.

Michael Sirignano – 150 feet which would be the west going east, southwesterly corner along the boundary lines. Common boundary line.

Mr. Stevens – Thank you.

Ron Kobbe – So you need variances for?

Michael Sirignano – They are laid out in the Planning Board referral. There is two bullet points that lay them out.

Ron Kobbe – Where you are saying eight feet for the driveway is that this corner here?

Michael Sirignano – Yes, where the turn around is. That is exactly it.

Ron Kobbe – They didn't note it on the map?

Michael Sirignano – No, the other ones are noted.

Ron Kobbe – Where is the shed?

Michael Sirignano – It is just to the west of the pool. Right there. And they are saying it is +/- 20 feet off the new line. Where 100 is required.

Ron Kobbe – We can do it all in one.

Ron Kobbe – Is there anybody in the public that has any comments?

Lynn Eckardt – **Lynn Eckardt** again and I have some questions on behalf of the concerned residents of Southeast. I really believe there is a profound disconnect between the boards in this Town I am not sure why procedure wise why this is here at this point. The Planning Board has given a negative declaration and however in two years I have never seen them give a positive declaration so there you go. We have about 81% of these slopes are at 10% or greater on this property so we have some real concerns because we have members who have suffered greatly with runoffs because of steep slopes such as this. And again I am not sure why it is here at this point. I think the Board has to be double careful and really look at this and probably even talk to the Planning Board on this. As you said do you know why it is here now and not later? I am confused.

Michael Sirignano – You want me to answer that?

Ron Kobbe – Other than it was referred to us by the Planning Board.

Lynn Eckardt – And they were asked this time and it was really interesting to give you a recommendation which they did not do, I think they gave you no recommendation at this point. They didn't give you positive, they didn't give you negative, they gave no position.

Tom Costello – That is not uncommon.

Lynn Eckardt – Yes, I know. We just started this up again. I know. I just see different things go to different meetings and I said there just seems to be disconnect that I am uncomfortable with and unless you guys certainly know more than me in what you are doing but I am really uncomfortable with this the way it is right now.

Tom Costello – As you know this Board is a Board of appeals so there is a certain issue for this lot and we are not being asked to consider the entire project although if there are issues on the project we will consider them, we generally address ourselves to the issue at hand. And the issue at hand here is that this subdivision meets all other requirements as far as we have been told to be subdivided except there is some existing structures that will be close to the new property line that is being drawn.

Lynn Eckardt – Although it doesn't have approvals yet. And that is really a concern and the reason I believe and correct me if I am wrong the lot line is where it is because of the two slopes it would be difficult to put else where correct?

Michael Sirignano – No, the line doesn't have anything to do with the steep slopes the Planning Board very carefully looked at the slopes on this property to make sure that we did comply with the Resource Protection Plan and made Mr. Hewitt at a considerable expense have a new topo done at two foot intervals and after that was done it was reviewed by Mr. Fenton's office, Mr. Fenton certified to the Planning Board the fact that we have two plus lots here. The reason we are here now is that the Planning Board cannot approve a subdivision because we need variances under the Town Law of the State of New York we can go from a Planning Board application which is pending to the Zoning Board of Appeals to get relief. With a variance from this Board we can go back to the Planning Board and we would stand in the same position as if we met all the setback requirements. That is why we are here. I am not sure what you mean by disconnect between the boards, the Planning Board referred us here with a specific letter and after adopting a negative declaration and making specific findings under SEQRA that this would not have an adverse environmental impacts. You and everyone else is welcome to come with us back to the Planning Board to finalize this and express your concerns.

Tom Costello – It does appear to me that a lot of effort went into the location of the septic system. In my 15 years on this Board I have never seen a map where the septic system is that far removed from the structure. So it looks to me that there was some effort to try to accommodate this specific site.

Michael Sirignano - We didn't want to be close to Mr. Stephens home so we went as far north as we could.

Lynn Eckardt – So the driveway pull up has been mitigated as well? Or no?

Michael Sirignano – The driveways are not in violation, they are all within Code.

Lynn Eckardt – I would just like to speak for the CRSE there have been a lot of problems in town with slopes.

Ron Kobbe - I think you can address that at the Planning Board. Anybody else? As I said before we only have four members.

Michael Sirignano – I think my client would like to vote tonight.

Ron Kobbe – Do you think you have had a fair and adequate opportunity to state your case?

Michael Sirignano – Absolutely.

Ron Kobbe – Take a seat we will close the public hearing.
Public hearing closed.

Tom Costello – I would like to make a motion to grant the variances as requested and identified on the map dated 12/31/02 and prepared by P. W. Scott Engineering and as part of this application, the final revision 4/26/04 which will be signed by the chairman. The applicant also voluntarily agreed to put a 150 feet of evergreen screening along the southwest property line that is shared with Bedichek in order to provide screening for the nearby property. And just to be clear the applicant is requested an eight foot variance where 100 foot is required on the side yard depth to allow the existing driveway. He is asking for a 22 foot variance where 100 foot is required to allow the existing cabana and pump house. And a 13 foot where 100 foot is required to allow the existing pool to stay in place and a 20 foot where 100 is required to allow the existing pool shed to stay in place.

Ron Kobbe – Second.

Tom Costello – I will address the criteria.

1. Whether an undesirable change will be produced in the character of the neighborhood, (or a detriment to nearby properties will be created by the grant of the variance).

As was testified the applicant states that these structures are already in place for the existing home and structures the applicant could actually go ahead and do the subdivision if he tore down these structures there is really no detriment to nearby properties by leaving the existing structures in place because they are existing and have been for some time I would say there is no change in the character of the neighborhood by allowing the structures to remain.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

I believe the applicant testified that they were at some length with the town engineer to identify the optimal subdivision property line to provide sufficient road frontage and sight lines from each of the driveways so I believe that the only feasible alternative to getting a variance is to tear down these structures and the driveway.

3. Whether the requested variance is substantial.

Yes, they are substantial a 100 foot is required in all cases and the variance requested is more than 20% but I think that it is mitigated by the fact that these are pre-existing structures and they will have minimal impact on anybody in the neighborhood.

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

Since these are existing structures that the applicant is requesting to leave in place I don't believe that the granting of the variance will have any adverse effect on conditions in the neighborhood. Now does it address the impact the second lot if the subdivision goes forward might have, if the subdivision is approved but those environmental conditions need to be considered in the Planning Board in their process.

5. Whether the alleged difficulty was self created.

In some respects it was self created in that the applicant wanted to subdivide the lot but as they testified the lot is oversized with almost a 15 acre parcel and a four acre zone there is more than enough land to support a subdivision into two lots it just so happens that the lot line is going fall very close to the existing structures and I believe it would be a hardship to ask the applicant to tear them down. There is really no other option to do a subdivision without a variance to allow those structures to exist.

Roll Call Vote:

Joseph Castellano – In favor

Kevin Sheil – In favor

Ron Kobbe – In favor

Tom Costello – In favor

The variances were approved by a vote of 4-0, 3 absent.

Tom Costello – Do you want the applicant to sign the survey?

Ron Kobbe – Yes.

Michael Sirignano signs the survey.

Michael Sirignano – Thank you.

Ron Kobbe – We will take a five minute break.

The transcriber broke and the rest of the minutes are not verbatim.

4) Envirostar Ventures

50 Fields Lane

TM# 78.-2-12

Michael Sirignano, attorney appeared for this application. This was held over from May. 6The applicant is seeking a variance from Section 138-81C of Local Law #11, 2003, which states that “a certification signed by the Building Inspector or and appropriate town officer, that indicates, as of the application date that there are no outstanding and unresolved violations of building and/or zoning codes with respect to the subject property. The Planning Board shall not review any application for site plan approval in connection with any property which has any outstanding and unresolved violations of building and/or zoning codes filed against it.” The applicant received a violation from the Zoning Enforcement Officer on March 17, 2004 that included an Order to Vacate since it his opinion that the occupancy is in violation of Town Code Section 138-10 due to the outside storage of vehicles. The outside storage was not part of the previous owner’s special permit or Certificate of Occupancy. The applicant applied for a building permit and was denied as under Section 138-81 C, stating that the permit application cannot be processed until the outstanding violation as described in the court appearance ticket is remedied.

The Board members held the application over to the September meeting so that they might review this matter with the Town Attorney and also review Section 138-81 C.

5) William and Lorraine Stefanick

9 Nancy Road

TM# 56.18-2-70

William and Lorraine Stefanick were sworn in by Tom Costello. Lorraine Stefanick testified that they were seeking a variance for their 10 by 10 shed that is located 14 feet from the rear property line and 6 feet from the side property line. The Board informed Mrs. Stefanick that a 10 by 10 shed is allowed under Town Code with the written agreement of all adjoining property owners. Mrs. Stefanick was aware of this but had not been able to obtain the written permission of one neighbor.

Mrs. Doria, 8 Nancy Road, voiced her objection to the variance as she felt she had to comply with the Town Code therefore the Stefanick's should also.

The Board members decided to visit the site and held the application over to the September meeting.

**6) Catherine Hill
10 North Street
TM# 56.14-3-6**

Catherine Hill was sworn in by Tom Costello. The applicant is seeking a side and total side setback variance to construct a one car garage addition to the existing house which is non-conforming in total side setback. The addition of the garage would create an additional non-conformity by reducing the easterly side setback from 26.75 to 10.75 feet and the combined setback would be 31.79. The applicant also needs a variance from Section 138-11 B (1) (a), enlargement of a non-conforming use.

The Board members decided to visit the site and held the application over to the September meeting.

The Board members voted 4-0, 3 absent to approve July's minutes.

The meeting ended at 10:15 PM.

Submitted by:

Linda Stec