

**TOWN OF SOUTHEAST
ZONING BOARD OF APPEALS
MINUTES OF NOVEMBER 20, 2006**

Board Members

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

Regular Meeting:

Joseph Massimo, 25 Forest Lane - This item is a carryover from last month. Applicant was reminded that he was still under oath. Applicant is requesting a variance for an addition in the back right of the home to enlarge the kitchen and dining room. Board looked at pictures and survey again. Mr. Massimo stated the property is 1/2 acre, with an unusual shape lot, which gives the applicant a smaller building area. Public Hearing closed.

Motion introduced by E. Colello to grant the following three variances: (1) right-side setback of 3 ft., (2) front-side setback, relief under section 138-11 and (3) Total side setback variance of 2 ft.

Seconded by P. Vink

Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood.
No. Within the character of neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No. May improve the look of the house.
3. Whether the requested variance is substantial.
Yes. Could build straight back, but would have to loose 2 decks.

4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Yes. Anytime you want an addition, it is self-created.

Roll Call Vote:

P. Vink -	In Favor
T. Costello -	In Favor
J. Castellano -	In Favor
K. Sheil -	In Favor
E. Colello -	In Favor

The variance was approved by a vote of 5-0, 1 absent.

John McNeil, 7 Kirkham Road - This item is a carryover from last month. Applicant reminded he is still under oath. Applicant is requesting variance to construct second floor of living space above existing residence. Bedroom count to will remain the same; the floor plan will be rearranged. Applicant showed an artist rendering of the proposed addition. Pubic Hearing closed.

Motion Introduced by P. Vink to grant applicant 8 ft west-side variance and 19 ft north-side setback.

Seconded by J. Castellano.

Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood.
No. Improving look of neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No. Pre-existing, non-conforming.
3. Whether the requested variance is substantial.
No.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.

No. Up zoning.

Roll Call Vote:

J. Castellano -	In Favor
K. Sheil -	In Favor
T. Costello -	In Favor
P. Vink -	In Favor
E. Colello -	In Favor

The variance was approved by a vote of 5-0, 1 absent.

Marielena McCormack, 22 Oakwood Drive - This item is a carryover from last month. Applicant reminded that she is still under oath. Variance is to build a detached 2-car garage. Applicant needs 8 ft variance from west side and a 10ft. separation from house requirement. Board asked about placing garage on the other side of home, this is not an option due to the septic is on that side of the house. Public Hearing closed.

Motion introduced by P. Vink to grant 8ft west side variance and a 10ft separation from house requirement variance.

Seconded by K. Sheil.

Criteria:

1. Whether 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.
Yes. Somewhat substantial - Not a major factor
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Yes. Don't need garage.

Roll Call Vote:

P. Vink - Oppose
T. Costello - In Favor
J. Castellano - In Favor
K. Sheil - In Favor
E. Colello - In Favor

Variance approved by a vote of 4-1, 1 absent.

Ann Nevin, 21 Wilson Road - This is a carryover from last month. Jim Dunn is the contractor speaking on behalf of Mrs. Nevin. The applicant wishes to enlarge the preexisting, non-conforming deck and make it into a 3-season room without heat, therefore, requesting relief from section 138-11. West-side yard variance of 5 ft. and front setback of 8 ft. No change from existing setbacks. Public Hearing closed.

Motion introduced by T. Costello to grant relief from section 138-11, 5ft side yard and 8ft. front setback variances.

Seconded by J. Castellano.

Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood.
No. Minimal addition.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No. Would require variance for any building.
3. Whether the requested variance is substantial.
No.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Yes. Self created to enlarge deck.

Roll Call Vote:

J. Castellano - In Favor
K. Sheil - In Favor
T. Costello - In Favor

P. Vink - In Favor
E. Colello - In Favor

Variances granted by a vote of 5-0, 1 absent.

Kimberly & Frank Milano, 130 Foggintown Road - This item is a carryover from previous meeting. Mr. Milano and James Sanok were reminded that they are still under oath. Applicant seeking variance of 60ft side yard setback to build a pole barn. Barn will be used for work/storage for equipment used in the care of horses. The board looked over the plans once again and has concerns over the size of the variance requested considering the size of the property (23 acres). Mr. Sanok stated that to keep the charm of the horse farm this location makes the most sense. Board was told that other areas considered would have an impact on the vegetation and the plans for future building on the property. The board members that walked the property felt that this request was reasonable considering the placement of the pole barn. Public hearing closed.

Motion Introduced by P. Vink to grant variance of 60ft side yard setback.
Seconded by J. Castellano.

Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood.
No. Only positive changes
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
Yes. Could place barn somewhere else on property.
3. Whether the requested variance is substantial.
Yes. No question.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote:

J. Castellano - In Favor
K. Sheil - In Favor

T. Costello - In Favor
P. Vink - In Favor
E. Colello - In Favor

The variance was approved by a vote of 5-0, 1 absent.

Luisa Durante, 36 Tulip Drive - This item is a carryover from last month. Mr. John McNeil is representing the applicant, who is out of the country. He was sworn in last month. Variance request is 16.11 ft. side yard setback, for the enlargement of a non-conforming, pre-existing structure to finish attic space. Attic space is to be master bedroom, dormered. No change in bedroom count. Applicant already has PC Board of Health approval. Public hearing closed.

Motion introduced by E. Colello to grant relief from Section 138-11, a 17 ft west side yard variance.

Seconded by P. Vink.

Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood.
No. Home will look nicer.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No. Pre-existing, Non-conforming.
3. Whether the requested variance is substantial.
Yes. 17ft, but home already built.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Yes. Only to be more useable.

Roll Call Vote:

P. Vink - In Favor
T. Costello - In Favor
K. Sheil - In Favor
J. Castellano - In Favor
E. Colello - In Favor

The variance was approved by a vote of 5-0, 1 absent.

Luciano Mannarino, 43 Lakeview Drive - This item is a carryover from last meeting. Mr. Mannarino was reminded he is still under oath. Applicant is seeking a variance of 13ft side yard separation distance and a 12ft south/rear setback. Applicant wants to put in a 30ft x 15ft above ground swimming pool in the backyard. The property is large, but the house is situated in the back of lot, therefore, no other place to put pool. Pictures were reviewed, were the applicant had proposed pool site marked. Public Hearing closed.

Motion introduced by T. Costello to grant the variance for relief of 13ft side yard separation distance and 12ft south/rear setback.
Seconded by K. Sheil.

Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood.
No. Neighborhood has small lots
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No. Very difficult without variance.
3. Whether the requested variance is substantial.
Yes. Mitigated by size of lot and where house is.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
No.

Roll Call Vote:

J. Castellano -	In Favor
K. Sheil -	In Favor
T. Costello -	In Favor
P. Vink -	In Favor
E. Colello -	In Favor

The variance was approved by a vote of 5-0, 1 absent.

Thomas & Rachel McLaughlin, 90 Ives Farm Road - This item is a carryover from last month. Mr. McLaughlin reminded that he is still under oath. Applicant is seeking variance of 7ft for perimeter fence of an in ground pool, this is a separation between house and accessory structure. Per last meeting, applicant staked out fence area on property. Public hearing closed.

Motion introduced by E. Colello to grant 7 ft. relief from minimum separation requirement of 15ft.

Seconded by P. Vink

Criteria:

1. Whether 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.
Somewhat.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Not really.

Roll Call Vote:

P. Vink -	In Favor
T. Costello -	In Favor
K. Sheil -	In Favor
J. Castellano -	In Favor
E. Colello -	In Favor

The variance was approved by a vote of 5-0, 1 absent.

Thomas & Susan Power, 9 Highview Terrace - This item is a carryover from last month. Mr. Powers was reminded that he is still under oath. Applicants are seeking a variance to construct addition to home and a back deck. Plans were

presented. It was noted that the property is odd shaped. The Power's would be gaining a living room and an additional bedroom with the construction. Public hearing closed.

Motion introduced by E. Colello to grant 4 variances. 5ft eastside setback, 4ft Westside setback, 24 ft. total side yard setback and relief from Section 138-11. Seconded by J. Castellano.

Criteria:

1. Whether 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.
Don't see how.
3. Whether the requested variance is substantial.
No.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Yes. Only trying to expand home.

Roll Call Vote:

P. Vink -	In Favor
T. Costello -	In Favor
K. Sheil -	In Favor
J. Castellano -	In Favor
E. Colello -	In Favor

The variance was approved by a vote of 5-0, 1 absent.

Nick & Julie Stevenson, 29 Vails Lakeshore Drive - No show.

Adele & Barry Bagen, 256 Shore Drive - Mr. Bagen sworn and mailings checked. Variance requested is a 3ft rear setback. Applicant has a pre-existing deck which was built in 1986 at the same time a previous addition was built. The

C/O given for the addition did not include the deck. Board looked over survey and pictures of the deck. Public hearing closed.

Motion introduced by T. Costello to grant 3 ft. rear setback.
Seconded by P. Vink

Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood.
No. Deck is 20 years old.
4. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No. Could cut back deck.
5. Whether the requested variance is substantial.
No.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
No. Hard to determine, deck is 20 years old.

Roll Call Vote:

J. Castellano -	In Favor
K. Sheil -	In Favor
T. Costello -	In Favor
P. Vink -	In Favor
E. Colello -	In Favor

The variance was approved by a vote of 5-0, 1 absent.

Robert & Rita Skrobalak, 112 Blackberry Drive - No shows.

Aldo Miceli, 7 Tulip Drive - Applicant, Mr. Miceli and Dominic Gabbamonte, contractor, were both sworn and the mailings were checked. Variance request is for a 64ft west side yard setback; 74.5ft total side setback is requested. Applicant is seeking to add an addition to home. Home is currently approximately 500 sq. ft proposed footage will be 1,360 sq.ft. Board viewed plans and pictures. This item will be placed on the next agenda.

Ron & Rachel Whitehead, 23 Birch Hill Road - Applicant was sworn in and mailings were checked and are in order. Variance requested to construct an addition to home, which would be an enlargement of an existing, non-conforming structure. Addition will not change the number of bedrooms, only add living space. Board reviewed the plans and will drive by home to view prior to next meeting. Item will be placed on next agenda.

John O'Hanlon, 24 Rockledge Drive - Mr. O'Hanlon was sworn in, mailings were checked and are in order. Application is for rear addition of a master bedroom suite above garage. A 5ft rear setback is required which is no change from existing structure. Board reviewed the plans and drawings. This item was to be carried over until next month, but the applicant asked that since his wife is expecting a baby next month, delaying the addition would be a hardship. He asked the board to vote this evening and they agreed to do so. Public hearing closed.

Motion introduced by E. Colello to grant relief from section 138-11, pre-existing, non-conforming with a 5ft rear setback variance.
Seconded by K. Sheil

Criteria:

1. Whether 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 or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
Yes.

Roll Call Vote:

P. Vink - In Favor
T. Costello - In Favor

K. Sheil - In Favor
J. Castellano - In Favor
E. Colello - In Favor

The variance was approved by a vote of 5-0, 1 absent.

Geoffrey Rhett, 3 Clematis Road - This item was original earlier on the agenda, but the applicant did not come before this board this meeting, so the board delayed action so the residents present were not delayed. Board reviewed application. Variance is requesting a 4.7 ft east side setback and a 11.7 ft total side yard for enlargement of pre-existing, non-conforming deck. Public hearing closed.

Motion introduced by E. Colello to grant variance for relief from section 138-11, 5 ft side and 12 ft total side yard setback.

Seconded by P. Vink.

Criteria:

1. Whether 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 or impact on the environmental conditions in the neighborhood or district.
No.
5. Whether the alleged difficulty was self-created.
No.

Roll Call Vote:

J. Castellano - In Favor
K. Sheil - In Favor
T. Costello - In Favor
P. Vink - In Favor
E. Colello - In Favor

The variance was approved by a vote of 5-0, 1 absent.

T. Costello made a motion to approve the October 16, 2006 minutes as amended.
Change stated the vote for Valero Gas Station to be denied by a vote of 5-0, 1
absent.

Seconded by J. Castellano.

All approved.