

**Town of Southeast
Zoning Board of Appeals
Minutes of February 11, 2026**

Roderick Cassidy, Chairman	Present
Steve Corozine, Vice Chairman	Present
Greg Wunner	Present
John McNeill	Present
Matthew Lubera	Present
Scott Seaman	Present
Anthony Zito	Present
Will Stephens, Jr., Town Attorney	Present
Jackie Lester, Secretary	Present

Work Session:

Regular Session:

Pledge of Allegiance

Introduction

1. Brian DeJesus and Laura Diaz-Savinon, 5 Tanager Road, Tax Map ID 56.14-2-74

This was a Public Hearing to review an application for construction of a second-floor addition to an existing single-family dwelling in the R-20 Zoning District requiring a west side setback variance of 8.5 ft. where 11.5E ft. is proposed and 20 ft. is required and a total side setback variance of 16.7 ft. where 33.3E ft. is proposed and 50 ft. is required. Architect Stephanie Fox appeared before the Board.

Ms. Fox stated that the property in Brewster Heights in the R-20 Zoning District and that the lot is non-conforming in the side and front yard. Chairman Cassidy asked if this would change the footprint. Ms. Fox stated no it does not. Ms. Fox said they are proposing to convert the existing garage into a family room and add a new second-floor addition for an on-suite bedroom over the garage. Ms. Fox said there will be no increase to the footprint of the building and don't feel there will be an undesirable change to the neighborhood because the project is not increasing the non-conforming conditions, just extending them and there are plenty of neighboring properties around that have a second floor. Ms. Fox said they did studies to see if we could add in a different area and to add to the front and west would need a variance and adding to the rear would decrease the size of the backyard and we would have to reconfigure the interior of the house. Ms. Fox said they didn't feel there was another option. Ms. Fox said the variance request is not substantial because the setbacks already exist and there will be no adverse environmental impacts because there is no change to the footprint that there is little change to the environment, no additional stormwater runoff

and not much foundation work. Ms. Fox said that they do not feel it is self-created because the lot is undersized for the zone and the location of the building on the lot is non-conforming. Boardmember Corozine asked if the second floor of the addition is on top of the existing garage only. Ms. Fox replied not the whole second floor and that it equates to about 14 ft. 10 by 23 ft. 10. Chairman Cassidy asked if anyone in the audience has anything to add to this application.

The motion to grant the applicant a west side setback variance of 9 ft. where 20 ft. is required and a total side setback variance of 17 ft. where 50 ft. is required was introduced by Boardmember Corozine and was seconded by Boardmember McNeill. Chairman Cassidy addressed the criteria:

Boardmember Corozine addressed the criteria:

1. Whether and undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance.
No. There is no change in the footprint and it's an improvement on the footprint that already exists today.
2. Whether the benefit sought by the applicant can be achieved by some feasible method for the applicant to pursue other than the Area Variance.
No. The only way to add an extra foreign property garage would be to have a variance as the garage has required itself.
3. Whether the requested Area Variance is substantial.
Statistically it might be but there is already an existing variance there with the garage so there is no change in the footprint.
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood.
No evidence was presented to that effect.
5. Whether or not the alleged difficulty was self-created.
It's not self-created as the owner just desires to add extra space.

Roll Call Vote:

J. McNeill	In Favor
G. Wunner	In Favor
R. Cassidy	In Favor
S. Corozine	In Favor
M. Lubera	In Favor
A. Zito	In Favor
S. Seaman	In Favor

The motion to approve the variance as stated passed by a vote of 7 to 0.

2. Jaime Ramirez, 255 North Brewster Road, Tax Map ID 45.16-1-34

This was a Public Hearing to review an application for an accessory structure (Gazebo) in the NB Zoning District requiring a west rear setback variance of 7 ft. where 28 ft. is proposed and 35 ft. is required and a south side setback variance of 32 ft. where 3 ft. is proposed and 35 ft. is required. Jaime and James Ramirez Appeared before the Board.

Chairman Cassidy stated that there are two applications from this applicant in front of the board, the gazebo and the garage and we'll take the gazebo first. Mr. Ramirez stated that there should be a violation they received regarding the structure. Chairman Cassidy asked if the gazebo is already built. Mr. Ramirez stated yes and said he attached a plans made for the gazebo that show it being 16x20. Mr. Ramirez said it stands in the right corner of the yard that was used for the landfill so right now it's on top of a rock wall and the 2 posts are in the far back and 2 are where the fill is standing. Mr. Ramirez said all four posts have concrete for stabilization. Mr. Ramirez said materials used are timber wood and there are round tubes for coverings but standard 6x6 posts in this scenario. Chairman Cassidy asked if the garage is already built as well. Mr. Ramirez responded it's also built as well. Chairman Cassidy asked if the garage is new. Mr. Ramirez said yes, it is a new structure. Chairman Cassidy stated that the garage and the gazebo were newly built. Mr. Ramirez said correct but they did not intend to violate any Town Code and they were confused about if they needed a permit because they did build a shed in the past. Chairman Cassidy said a small shed is an easier build than a gazebo. Mr. Ramirez asked if he should address the garage now. Chairman Cassidy said yes. Mr. Ramirez said the garage is the same exact size as 16x20 and he included a more structured plan with more detail which includes the foundation specifically in the area that was a landfill many years ago. Mr. Ramirez said it is perfectly stable with the correct amount of posts and the foundation as well. Mr. Ramirez said there is an entire parking slab foundation underneath for the structure of the garage with proper ventilation and roofing. Chairman Cassidy asked if there is any other place on the property you could put the garage to make it a lesser violation. Mr. Ramirez said no, we tried multiple options but there's no room due to the location of the septic and water drainage. Chairman Cassidy said you did the foundation for both of them before. Mr. Ramirez stated we did it correctly although we violated the Town Code. Chairman Cassidy stated you did it correctly but illegally. Mr. Ramirez stated we did do multiple different variations of this project but there is no room and they ideally wanted a garage in the driveway but it's too close to the property line which is why we constructed it all the way in the back. Mr. Ramirez said we don't keep any vehicles back there, just our machinery for their tree work business in the garage. Chairman Cassidy asked if anyone had anything else to add and if there were any questions. Boardmember Seaman asked is there any electrical. Mr. Ramirez stated

no, just bare bones. Chairman Cassidy asked is the gazebo was the same and also had no electrical. Mr. Ramirez said no electrical in the gazebo.

The motion to grant the applicant the variance of the Gazebo of a west rear setback variance of 7 ft. where 35 ft. is required and a south side setback variance of 32 ft. where 35 ft. is required was introduced by Boardmember Corozine and was seconded by Boardmember Zito. Chairman Cassidy addressed the criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance.
No. It's an improvement made to the property and visually and aesthetically a good standard.
2. Whether the benefit sought by the applicant can be achieved by some feasible method for the applicant to pursue other than the Area Variance.
No there has been testimony that attempts have been made to move the configuration but was not feasible given the location of the septic, sewer, etc.
3. Whether the requested Area Variance is substantial.
There is some substantially to it mathematically but it does not impact the entire variance.
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood.
There has been no testimony to that effect.
5. Whether or not the alleged difficulty was self-created.
It was self-created in a sense that this was done without a permit, but given the footprint of the property and space involved it had limited options in order to increase the garage and gazebo.

Roll Call Vote:

J. McNeill	In Favor
G. Wunner	In Favor
R. Cassidy	In Favor
S. Corozine	In Favor
M. Lubera	In Favor
A. Zito	In Favor
S. Seaman	Opposed

The motion to approve the variance as stated passed by a vote of 6 to 1.

3. Jaime Ramirez, 255 North Brewster Road, Tax Map ID 45.16-1-34

This was a Public Hearing to review an application for a proposed accessory structure (Garage) in the NB Zoning District requiring a west side setback of 23 ft. where 12 ft. is proposed and 35 ft. is required and a south side setback of 23 ft. where 12 ft. is proposed and 35 ft. is required.

Boardmember Corozine asked if the garage was connected to the house. Mr. Ramirez said no.

The motion to grant the applicant the variances for the Garage of a west side setback variance of 23 ft. where 35 ft. is required and a south side setback variance of 23 ft. where 35 ft. is required was introduced by Chairman Cassidy and was seconded by Boardmember Corozine. Chairman Cassidy addressed the criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood of detriment to nearby properties will be created by the granting of the area variance.
No. A garage in this neighborhood is very standard.
2. Whether the benefit sought by the applicant can be achieved by some feasible method for the applicant to pursue other than the Area Variance.
No, not really because of the size and the location of the septic field and the gazebo.
3. Whether the requested Area Variance is substantial.
It's substantial but not so substantial to the point it should be denied.
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood.
There's been no testimony to that.
5. Whether or not the alleged difficulty was self-created.
Yes, it was absolutely self-created because it was illegally and improperly put there without a permit, but I don't think that in itself is enough to deny the application.

Roll Call Vote:

J. McNeill	In Favor
G. Wunner	In Favor
R. Cassidy	In Favor
S. Corozine	In Favor
M. Lubera	In Favor
A. Zito	In Favor
S. Seaman	Opposed

The motion to approve the variance as stated passed by a vote of 6 to 1.

The motion to approve the Meeting Minutes of January 21, 2026 was introduced by Boardmember Wunner, seconded by Chairman Cassidy and passed all in favor.

The motion to close the meeting was introduced by Chairman Cassidy, seconded by Boardmember Corozine.

Respectfully submitted,

Jackie Lester