

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, OCTOBER 25, 2017

MEMBERS PRESENT:

Rocco Mancini, Chairman
Stephanie Fitzpatrick
Ingrid Kulick
Adam Schneider
Phillip Zemke

MEMBERS ABSENT:

None

ALSO PRESENT:

Chairman Mancini opened the meeting at 7:00 p.m.

Public Hearings:

- 1. Miller Area Variance** – Ed Miller was present for the public hearing for his area variance application to place a 30'x60' pole barn in front of the front building line of the dwelling approximately 69 feet from the front property line where 85 feet are required on property located at 25 Fowler Lane, tax grid number 6470-00-188758 in the A5A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Miller said when he received his building permit to put the building up, the permit was granted without a problem. Once the permit was issued and construction was started, the building inspector informed him a variance was required as the pole barn was placed in front of the front building line of the dwelling and 69 feet from the front property line. Mr. Miller said the property on the other side of Fowler Lane is owned by family. Chairman Mancini said he visited the site and has no problem with this variance and Ms. Fitzpatrick agreed especially since Mr. Miller took the appropriate steps and got a building permit. Fowler Lane is a shared road, not a town road. Mr. Zemke asked why Mr. Miller chose to put the pole barn in this location. Mr. Miller said we have apple trees on the one side of the house which we didn't want to take down and the other side of the house would have been too far away from the entrance to the house. Bryan and Sharon Fowler were present and said they have no objections to the placement of the pole barn.

Chairman Mancini motioned to close the public hearing. Ms. Fitzpatrick seconded. All aye. Motion carried 5-0.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye		

Motion carried 5-0.

The Board completed the Findings as follows which state that an undesirable change will not be produced in the character of the neighborhood, the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance, the requested variance is not substantial in that the pole barn is placed in front of the house but maintains a 65 foot front yard setback, the variance will not

have an adverse impact on the physical or environmental conditions in the neighborhood, and the alleged difficulty is not self-created because the applicant obtained a building permit prior to building the pole barn – the need for the variance was discovered after construction commenced. The benefit to the applicant does outweigh the detriment to the neighborhood or community. There were no conditions to the variance.

Ms. Fitzpatrick motioned that the Zoning Board of Appeals approve the Findings and Decision for the Miller area variance for a front yard setback and to place the pole barn in front of the front building line of the dwelling 69 feet from the front property line on property located at 25 Fowler Lane, tax grid number 6470-00-188758. Mr. Zemke seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye		

Motion carried 5-0.

- 2. Temme Area Variance** – Juergen Temme, Applicant, and Raymond Nelson, Architect, were present for the public hearing for Mr. Temme’s area variance application to build an addition to the existing dwelling having a side setback of approximately 24’6” from the required 50 feet on property located at 111 Lamoree Road, tax grid number 6470-00-154092 in the A5A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing.

Mr. Temme said he works for the Culinary Institute of America and wants to set up a small commercial kitchen for testing and development and requires the addition to do that. The addition is located on the back of the house and is encroaching on the 50 foot side yard setback. This is a very narrow lot. The house is a duplex and Mr. Temme rents one side and lives on the other. The addition will be attached to the side of the house which he lives in. The construction will not affect the existing tree line between this property and the neighboring property or the stone wall. Mr. Nelson said they may have to remove one tree as it is in the way of the drainage district but not the addition. They have also modified the original encroachment so it will be 27 feet, not 24. The deck is for ease of deliveries; there is an existing path for a truck to back up to the deck. There is a drainage ditch on the property line and another ditch inside the property running diagonally. Due to addition encroaching on the existing ditch, they will take one tree out and move the ditch over. The driveway that runs near Mr. Temme’s property line accesses the house that is located way in the back of the property nowhere near where the addition is going. Chairman Mancini said he visited the site and didn’t see any problems with the addition. Charlie Godfrey, 116 Lamoree Road said Mr. Temme is a grand neighbor who is always working on his property and actually goes around the neighborhood with a wheelbarrow picking up garbage. Mr. Godfrey said he has no concerns with this addition. Ellen Sisto, 123 Lamoree Road, said she is totally in favor of this addition. Kim Godfrey, 116 Lamoree Road, is also in favor of the addition. Mr. Zemke asked since this is a commercial kitchen, are you buying and selling products – is this a

commercial enterprise? Mr. Temme said it is a commercial kitchen because testing recipes requires more professional equipment than a regular stove and a kitchen aid. The Clerk said she talked to the Building Inspector and he said this proposal fits the requirements for a home occupation. Under home occupation, Mr. Temme can take goods baked on the premises and sell them at another location.

Mr. Fitzpatrick motioned to close the public hearing. Mr. Schneider seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye		

Motion carried 5-0.

The Board completed the Findings as follows which state that an undesirable change will not be produced in the character of the neighborhood, the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance, the requested variance is not substantial as the lot is over 1,000 feet long, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood, and the alleged difficulty is self-created. The benefit to the applicant does outweigh the detriment to the neighborhood or community. There were no conditions to the variance.

Mr. Zemke motioned that the Zoning Board of Appeals approve the Findings and Decision for the Temme area variance to build an addition to the existing dwelling having a side setback of 24’6” from the required 50 feet on property located at 111 Lamoree Road, tax grid number 6470-00-154092. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye		

Motion carried 5-0.

Mr. Temme can now apply for the building permit to start construction of the addition.

Applications: None

Discussion Items: None

Administrative Items:

- **Approval of Minutes:** Ms. Fitzpatrick motioned that the Zoning Board of Appeals accept the minutes of the September 27, 2017 meeting as written. Mr. Zemke seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Abstain		

Motion carried 4-0.

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Ms. Fitzpatrick motioned to adjourn the meeting at 7:45 p.m. Mr. Zemke seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Aye		

Motion carried 5-0.

The next regular meeting will be held on Wednesday, November 15, 2017 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board