

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, JANUARY 24, 2018

MEMBERS PRESENT:

Rocco Mancini, Chairman
Ingrid Kulick
Phillip Zemke

MEMBERS ABSENT:

Adam Schneider
Stephanie Fitzpatrick

ALSO PRESENT:

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

Public Hearings:

- 1. Mulcahy Area Variance** – Sean Eidle, Realtor, was present as the authorized representative for the public hearing for the Mulcahy area variance application to place a storage shed in front of the front building line of the dwelling approximately 161 feet from the front property line where 85 feet are required and approximately 60 feet from the side property line where 50 feet are required on property located at 219 Willow Glen Road, tax grid number 6573-00-556037. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Eidle said this shed has been on the property for about 10 years, purchased from Bay Horse Sheds in Milan and placed there by the previous owners. The shed meets the required setbacks in the A5A zoning district but is in front of the dwelling. It is not visible from the road. Mr. Eidle said he recently had Bay Horse to the property twice to find another place to relocate it on the property and they said it was not possible due to the topography of the lot and the location of the septic system. It is located on the best spot on the property. Chairman Mancini said he went out to the property and agreed there is nowhere else on the property to put the shed and it is not visible from the road especially in the summer. Ms. Kulick also went out to the property and agreed with Chairman Mancini. Mr. Zemke said also, the shed is placed in a location where you would expect to see it. The clerk said Martin Saint, an adjoining neighbor, called the zoning office to state he had no concerns with allowing this existing shed to remain in its current location.

Mr. Zemke motioned to close the public hearing. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Absent	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 3-0	

The Board completed the Findings as follows: 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 because there is no other feasible location on the property to place the shed, the requested variance is not substantial because the shed meets the required setbacks, 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 shed predates the current ownership. The benefit to the applicant does outweigh the

detriment to the neighborhood or community. There were no conditions to the variance.

Ms. Kulick motioned that the Zoning Board of Appeals approve the Findings and Decision for the Mulcahy area variance to allow an existing shed to remain in its current location in front of the front building line of the dwelling 61 feet from the front property line and 60 feet from the side property line on property located at 219 Willow Glen Road, tax grid number 6573-00-556037. Mr. Zemke seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Absent	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 3-0	

Applications:

1. Jerry and Roberta Boyle appeared to present their area variance application to the board for side and rear setbacks for a shed on their property located at 56 East Lake Lane, tax grid number 6474-00-174032. Mr. Zemke asked if this is the property that slopes down. Mr. Boyle said yes, the house sits on the top of the hill and we would like to put an equipment shed at the bottom of the hill. We have a new deck we are just finished up. We have kayaks, chairs, fishing poles etc. and would like to store these items at the bottom of the hill as it is a trek to get to the top and there is no place to put the shed at the top of the hill due to the big slope and the side yard location of the leach field and expansion field. Putting the shed by the lake will facilitate easy storage. Mr. Boyle said if the Board would like to visit the site, there is a 911 plate identifying #58 and it is the first house on the road. The Boyles submitted photos of the surrounding area to show how placing the shed in this location is not out of character of the neighborhood. They have had the property surveyed a couple of times so the pins are there and are easy to see. They submitted this to the DEC who sent a comment letter dated February 6, 2018 that the project site is not within a NYS protected Freshwater Wetland and since the proposed shed has a 15 foot setback from Upper Spring Lake and there is not excavation or fill proposed below the mean high water line, a Protection of Waters Permit is not required. Mr. Boyle also called the Board of Health and spoke to Dan Keeler who said that he would not comment on the proposed shed as this is a building code issue. Mr. Boyle said they are planning on building a nice looking shed that will have an ornamental porch on the front strictly for storage. They are utilizing sonotubes and will run power to it. The shed should fit nicely into the surrounding topography. Their immediate neighbor has stairs going down to the lake with a deck very close to the Boyle property. Their house is a slab foundation dwelling. This property is a half acre in three acre zoning so whatever they do it will require a variance.

The Boyles said the Board members can visit the site whenever they want to. They supplied their phone number.

Mr. Zemke motioned that the Zoning Board of Appeals declare the Boyle area variance to be a Type II action under SEQRA requiring no further action. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Absent	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 3-0	

Mr. Zemke motioned that the Zoning Board of Appeals schedule the Boyle public hearing for the February 28th meeting. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Absent	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 3-0	

Discussion Items:

- The Town Board has asked for feedback from ZBA and Planning Board members regarding any topic they would like to learn more about for the four hour education requirement. Input included SEQRA, enforcement of previous and current zoning laws, appellate review pitfalls, and the relationship between the ZBA and Planning Board.

Administrative Items:

- **Approval of Minutes:** Ms. Kulick motioned that the Zoning Board of Appeals accept the minutes of the December 27, 2017 meeting as written. Chairman Mancini seconded.
- Rocco Mancini, Chairman Aye Adam Schneider Absent
- Stephanie Fitzpatrick Absent Phillip Zemke Aye
- Ingrid Kulick Aye Motion carried 3-0

Mr. Zemke motioned to adjourn the meeting at 7:25 p.m. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Absent	Phillip Zemke	Aye
Ingrid Kulick	Aye	Motion carried 3-0.	

The next regular meeting will be held on Wednesday, February 28, 2018 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board

