

ZONING BOARD OF APPEALS MEETING MINUTES – FINAL
WEDNESDAY, SEPTEMBER 25, 2019

MEMBERS PRESENT:

Rocco Mancini, Chairman
John Schneider
Phillip Zemke

MEMBERS ABSENT:

Ingrid Kulick
Stephanie Fitzpatrick

ALSO PRESENT:

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

Public Hearings:

- Hughes Area Variance** – Paul Hughes Jr. was present for his application for an area variance to reduce the side setback from the required 50 feet to 25 feet to install a stand-by generator on property located at 63 Lamoree Road, tax grid number 6470-00-310373. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Hughes said due to the existing electric line which crosses the driveway, the location of the property line, and the hill in the back there is nowhere else to put the generator that is close enough to the electric supply. Mr. Hughes said he just moved the power lines from above ground to underground. If he had to meet the 50 foot setback, the generator would be in the center of the driveway. The propane tank will be buried into the hillside and it will meet the setback requirement. Chairman Mancini said he visited the site and thinks the proposed location is the best spot to put the generator. Mr. Zemke agreed and said also, a generator is a necessary item given where we live and is not intrusive as when this generator will be running, everyone else's will be running as well.

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

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

Motion carried 3-0.

Chairman Mancini and the Board completed the Findings and Decision which state that an undesirable change would 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 this is the best location to put the generator based on the location of the electrical service and the topography of the property, the requested variance is not substantial, the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood, and the alleged difficulty was self-created. The Board determined that the benefit to the applicant does outweigh the detriment to the neighborhood and there were no conditions imposed on this variance.

A motion was made by Mr. Schneider to approve the Findings and Decision for the Hughes area variance as stated above. Mr. Zemke seconded.

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

Motion carried 3-0.

Applications:

1. **Cullen Area Variance** – Kathy Mondello, Mondello Real Estate, was present as the authorized representative for Tara Carbonaro, Executrix for the Estate of James Cullen, for their area variance application to allow an existing garage to remain in its current location in front of the front building line of the dwelling on an 8.67 acre parcel located at 11 Broadview Lane in the A5A zoning district, tax grid number 6572-00-244339. Ms. Mondello said the house is up for sale and it was discovered that there was no building permit for this detached, two car garage that was set by Bay Horse. When we applied for the building permit, we found out the garage needs a variance. The garage is 93 feet from the front property line so it meets the setback requirement but it is located in front of the front building line of the dwelling. Ms. Mondello said we do have an electrical inspection certificate for it. Mr. Zemke said he thinks the application is complete so the public hearing can be scheduled.

Mr. Zemke motioned that the Board declare the Cullen area variance application a Type II action under SEQRA requiring no further action. Mr. Schneider seconded.

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

Motion carried 3-0.

Mr. Zemke motioned that the Board schedule the public hearing for the Cullen area variance application for the October 23, 2019 meeting. Mr. Schneider seconded.

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

Motion carried 3-0.

Discussion Items/Correspondence: **None**

Administrative Items:

- **Approval of Minutes:** A motion was made by Mr. Zemke and seconded by Mr. Schneider that the Zoning Board of Appeals accepts the minutes of the August 28, 2019 meeting as presented.

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

Motion carried 3-0

A motion was made by Mr. Zemke and seconded by Mr. Schneider to adjourn the meeting at 7:25 p.m.

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

Motion carried 3-0.

The next regular meeting will be held on Wednesday, October 23, 2019 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board