
ZBA Members Present:
Daniel Persing, Chairperson
Stephen Day
Adrian Ooms
Christie Ellis
Chris Spencer
John Lyons – Town Attorney
Kim Garrison – Town Attorney

Public Present:
Sharon & Ian Wing
David Ross
Marc Martino

The meeting was called to order at 7:05 PM and the Pledge of Allegiance was recited.

A Motion to approve the July 25, 2019 meeting minutes as amended was made by Ms. Ellis with a second from Mr. Ooms, all in favor motion carried.

Public Hearing:

An Application for an Area Variance from David Ross & Donna Curnow located at 240 Sutherland Rd., Tax ID#24.-1-26, to allow a two-car garage that does not meet front yard set-backs.

Chairman Persing states this is a continuation of the Public Hearing from July and that three of the members have done a site visit. Ms. Ellis states she looked at the other locations for the garage and the property across the street and it didn't seem to be detrimental to the neighborhood to be in this location. Mr. Spencer stated the tree line between the slab and the road helps alleviate the visual impact from the road and asked how they will access the garage, Mr. Ross states they will connect the existing driveway to the garage. Chairman Persing adds that he does not feel this location will affect the characteristic of the neighborhood.

A motion to close the Public Hearing was made by Ms. Ellis at 7:17pm with a second from Mr. Spencer, all in favor motion carried. Chairman Persing states they now have the 5 findings of fact questions to consider:

1. Is there an undesirable change to the neighborhood – None
2. Can the benefit be achieved in any other manor – Ms. Ellis states it is possible, but it would affect the Applicants view of the property. This proposed location would protect the view and the current tree line also obstructs the building from the road. Mr. Lyons adds that it is a good possibility the leech field may be in the other location as well, which would prevent an alternative location of the garage.
3. Is the variance substantial – Yes mathematically is a 30 foot variance
4. Is there an adverse effect on the physical environment – No
5. Was it self-created – Yes

A motion to approve the Application for an Area Variance was made by Ms. Ellis with a second from Mr. Spencer, all in favor motion carried.

New Business:

An Application for an Area Variance from Mark Martino located at Electric Park Rd., Tax ID#25.5-1-41, to allow a garage that does not meet the front and side yard set-backs.

Mr. Martino presents the Board with the deed, Chairman Persing explains the Board needs that in order to determine the Application as complete. Mr. Martino explains the property and that there was an original structure there that was closer to the property lines and it burned and has been vacant since then. Mr. Martino adds that he owns the property across the street and that is where his house is and the reason for the garage is to store his boat as well as storage since the house doesn't have an attic or basement. Chairman Persing confirms the structure is 21ft from the center of the road, Ms. Garrison asks if it is a town road, Mr. Martino states the town plows it. Ms. Garrison asks if this is a separate lot, Mr. Martino states it is. Mr. Day asks if the garage is two-stories, Mr. Martino states it is and if it was single-story it would be below grade of the road. Chairman Persing confirms the set backs of the building are 21ft, 32ft and 19ft, Mr. Spencer asks when the survey was done, Mr. Martino states it was a month ago. Mr. Day asks where the entrance would be to the garage, Mr. Martino states it would be on Marina Drive. Chairman Persing asks if he can provide pictures of the topography of the parcel, Mr. Lyons suggests a site visit as well. Mr. Spencer asks about a description of the structure, Mr. Martino states it is 30ft wide and 50ft long. Mr. Martino may also have a side shed attached, which is not currently depicted. Mr. Lyons states that what the Board has in front of them now is not sufficient, however the Board could deem complete assuming the Applicant can provide the updated maps with the shed and measurements for the variance, Mr. Spencer states the height is needed as well.

A motion to deem the application complete contingent on the updated maps provided by the 16th of September and schedule the Public Hearing for September 26, 2019 was made by Ms. Ellis with a second from Mr. Day, all in favor motion carried.

A Motion to determine the application as a Type II Action per Section 617.5 C12 was made by Mr. Spencer with a second from Ms. Ellis, all in favor motion carried.

An Application for an Area Variance from Ian and Sharon Wing located at 875 County Route 13, Tax ID#26.-1-30, to allow a garage that does not meet the front and side yard set-backs.

Sharon Wing presents the Board with the deed and signs the application. Mr. Day asks if the survey showing the new shed is drawn to scale, Ms. Wing states the survey was included with the closing of the house and they drew the shed on and explains that it will be where the gravel parking is. Mr. Spencer asks if they currently park there, Ms. Wing states they do

and explains where the neighbors drive is and that the property goes up hill and the purpose of the shed is for storage of snowblower, etc.. Ms. Garrison confirms it is just a front yard set back needed 51ft from the center of the road because the structure is less than 200 square feet in ground area, and is farther than 10 feet from the side yard.

A motion to deem the application complete and schedule the Public Hearing for September 26, 2019 was made by Mr. Day with a second from Ms. Ellis, all in favor motion carried.

A Motion to determine the application as a Type II Action per Section 6172.5 C12 was made by Mr. Spencer with a second from Ms. Ellis, all in favor motion carried.

Other Bussiness:

The Board reviews the revised application for the Zoning Board.

A motion to adjourn the meeting was made by Mr. Day with a second from Mr. Spencer and the meeting adjourned at 8:40 PM.

Daniel Persing, ZBA Chairman
September 9th, 2019

Respectfully submitted by
Erin Reis, ZBA Clerk