

# TOWN OF EAST BLOOMFIELD

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November 17, 2021

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**Zoning Board of Appeals Members Present**, Art Babcock, Mark Thorn, Tim Crocker, Rosemary Garlapow.  
**Absent:** Sonja Torpey, Kimberly Rayburn (Secretary)

**Others Present:** James Kier (Building & Zoning), Todd Hawkins (Applicant).

Babcock opened the meeting at 7:00 pm with the Pledge of Allegiance. The Board opened the public hearing and the Chair read the public notice.

**I. TV6-21 Area Variance ZBA # TV6-21 / Area Variance**, Owner. Todd Hawkins 2840 St Rt 444 tax # 80.00-1-39.000. Request to place a barn 60 ft from the front row where 75 ft is required.

Babcock reviewed the neighbor notifications and asked for any public comment. Upon hearing none, **Thorn motioned and Garlapow seconded to close the public hearing. All Board members in attendance voted aye. Vote was carried.**

**Thorn motioned and Babcock seconded to declare SEQR a type II, with no further action required. All Board members in attendance voted aye. Vote was carried.**

Hawkins stated that the barn will be for personal storage of his boat and RV. This location is the best spot for the barn. His house is ten (10) +/- feet from the ROW and the proposed barn will be sixty (60) +/- feet from the ROW. Therefore, he does not feel his request is substantial.

Babcock asked about the size of the building. Hawkins stated it will be forty-eight (48) feet wide North to South and fifty-six (56) feet long East to West. Babcock stated the garage doors will be on the long side.

Babcock asked Kier if there were any comments from the Planning Board, Kier stated he did not think there were just to pass it along to the Zoning Board. Babcock mentioned the row of trees that would provide screening. Hawkins stated that he planted a double row of trees sixteen (16) years ago and it does provide great screening. Babcock asked about the building, and if there was anything unusual about it? Hawkins stated there was not and provided the Board with a sketch of his plan to show how it might look, which is similar to his existing garage.

The Board discussed the septic and well locations, the septic is on the other side of the property. The well is behind the RV by the corner of the existing barn. Hawkins stated he could drill another well if needed because the current well is not good.

Thorn asked why Hawkins could not push the barn back further to avoid a variance. Hawkins stated that look would start to clash and it would then be in the way of the current garage causing issues with getting in and out of the new barn with a trailer. This location is better with respect to the driveway, and elevation issues with the hill to the North. Babcock asked if Hawkins considered tearing down the existing barn? Hawkins stated that he has no desire to do that and the barn is pretty new. The Board held more discussion on locations and discussed an existing apple tree. Hawkins would not want the barn closer than the sixty (60) feet requested.

Crocker asked why he could not pivot the barn and have it next to the existing garage. Hawkins explained that both the elevation to the hill and the doors opening to the driveway prevent that option.

Babcock explained the area variance process and in reviewing the criteria Hawkins does not have to meet all of them, but they have to be weighed against the benefit to the applicant and detriment to health, safety and welfare of the community.

The Board then started their review of the State mandated five (5) criteria tests.

1. **Undesirable change to the neighborhood:** They felt that other homes in the area are close to the road and ROW. This garage in this location would not be out of the ordinary.
2. **Alternative method:** Yes, Hawkins could place the new barn behind on the ten (10) acres he owns, however it would put an unnecessary hardship on the applicant. He would need to install a much longer driveway and do more excavating, which would be at a higher expense to the applicant. The difficulty in the land layout restricts the location as well.
3. **Substantiality:** The Board discussed the front setback. The request is for a fifteen-foot variance of sixty (60) feet where (seventy-five) is required. The request is less than fifty (50) percent. The new barn will set behind the front line of the home therefore they do not feel the request is substantial.
4. **Impact on the environment:** By putting the structure where it is proposed they can preserve the grade, use the existing well and leave the existing apple tree.
5. **Self-creation:** The Board feels this is self-created, but it does not preclude them from granting the area variance.

Babcock asked when Hawkins's plans to build? Hawkins stated that he may hold off until summer of 2022 due to everything being so wet. Hawkins stated he would love to get a twenty-five (25) foot variance because then he would get an architect to look at other options.

Babcock discussed what Hawkins really needs vs the variance he requested. Babcock mentioned there was not a survey supplied so they are basing their decision on unverified information. Thorn stated that regardless of all the measurement's from the ROW not being known, they still know where it would be in relation to the location of the house and its setback off the road. Babcock stated he does not see it being an issue based on the location provided on the drawing. The Board held a discussion on the variance distance requested and what was applied for. Fifty (50) feet vs Sixty (60) feet where seventy-five (75) feet is required. The variance would then be a thirty-three (33) percent variance vs a twenty (20) percent variance. Thorn stated that if a house where nearby the location makes it less substantial.

Babcock asked for any further discussion there was none.

**Thorn motioned and Garlapow seconded to grant the area variance #TV6-21 to Owner, Todd Hawkins of 2840 St Rt 444, tax # 80.00-1-39.000. With the revision the variance will be changed from fifteen (15) feet to twenty-five (25) feet. And noted the measurements are being taken from the center line of the road on the map presented vs a survey map.**

Whereas:

The proposed meets all the criteria reviewed and stated below except for self-creation.

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4. **Impact on the environment:** By putting the structure where it is proposed they can preserve the grade, use the existing well and leave the existing apple tree.
5. **Self-creation:** The Board feels this is self-created, but it does not preclude them from granting the area variance.

**Record of Vote:**

Babcock **Aye** Thorn **Aye** Garlapow **Aye** Crocker **Aye**

**All Board members present voted Aye, Vote was carried unanimously.**

**II. Discussions:**

Babcock discussed the next meeting date of 12/22/2021. All Board members present are ok with the date if a meeting is necessary.

Babcock discussed the open Chair position. He would love someone else to step up and take the position as he would like to step down. Thorn and Crocker are a no. Garlapow will think about it and they will ask Torpey.

**III. Meeting Minutes**

**Minutes of August 25, 2021.**

**Thorn motioned and Crocker seconded to approve the minutes from 8.25.2021.**

**All Board members present voted Aye. Vote was carried unanimously.**

**Minutes of September 22, 2021.**

**Crocker motioned and Garlapow seconded to approve the minutes from 9.22.2021.**

**All Board members present voted Aye, with the exception of Thorn who abstained. Vote was carried.**

**IV. Meeting Adjourned**

**Babcock motioned and Crocker seconded to adjourn. All Board Members present vote Aye. Vote was carried.**

Respectfully submitted,

Typed minutes are from notes taken by Kier.

Planning & Zoning Board Secretary