

TOWN OF EAST BLOOMFIELD

January 24, 2024

Zoning Board of Appeals Members Present, Sonja Torpey, Mark Thorn, Tim Crocker

Absent: Art Babcock

Others Present: Kimberly Rayburn (Building and Zoning), Christel Daggett (Secretary), Kathy Conradt & Frank Fesner (Town Board members) Ryan Duvall, John Cavagnaro, Geoff Breeze, Jay Mitchell (potential Planning Board members) James & Alyssa Evangelisti (Applicants) Stephen & Michelle Evangelisti (Parents of Applicants) Roger & Peg Ilardi (neighbors within 500 ft.)

Torpey opened the interviews at 6:00 pm.

I. Interviews:

Interviews with four interested applicants to serve as a Zoning Board of Appeals member and an alternate Zoning Board of Appeals member for the current openings on the Zoning Board of Appeals.

Ryan Duvall has shown an interest in serving on the Zoning Board of Appeals. He sent a letter of interest to the Zoning Board of Appeals Secretary. Torpey asked what prompted interest in joining the Board. Duvall stated that he serves on the Board of Fire Commissioners for the Town of East Bloomfield. He stated that he has lived in Bloomfield his whole life. He has businesses here in Bloomfield and is a farmer. He would like to be on another board to support the community and to help people progressively grow in a positive way to keep the town thriving.

Torpey asked a series of questions.

- What do you feel the purpose of the Zoning board is?

Duvall stated that he felt that if the general public is trying to build something or change something it's the Zoning Boards responsibility to review the request and try to do whatever they can to allow that person to do what they want to do and if its not possible with the current set of rules or code then they help them go down the right avenues to try and make it possible.

- Torpey asked for examples of the kind of things that would come in front of the Zoning Board?

Duvall stated that when people come in front of the Board, they are facing some sort of challenge such as a property line or a use issue. The Zoning Board has tools and rules to see if its possible and to lead them in the proper direction.

- What is the Purpose of the Zoning Code?

Duvall stated it is a set of rules and standards to keep the community uniform and to keep the community looking as good as possible. Torpey asked what that meant, Duvall started to keep buildings from looking bad with porches falling off and siding on them. Buildings are not too close to someone else's property.

- What types of reviews come to the Zoning Board?

Duvall stated property line setback, area variance.

Torpey then asked Duvall to explain the nature of his previous interaction with the Zoning Board and what if anything he would want to change with the functioning of the Board.

Duvall stated that he didn't feel the functioning of the Board needed to change. He stated as far as his own interaction with the Board he has some that have gone smoothly and some that have been more difficult. He feels with the more difficult ones if the Board can be more helpful in trying to allow someone to achieve a goal that they are trying to accomplish. He feels it's the main goal of the Board to try and make the Town prosper.

- What is the purpose of the Comprehensive plan and are you familiar with it?

Duvall stated that he's aware of it and from what he understands it's a long-range plan for the Town.

Torpey then asked what he felt the plan was trying to achieve long term. To continue to grow and promote business and homes and support the towns goals.

Torpey asked the Board if they had anything to add. Crocker stated Duvall is a business owner and has a personal stake and is willing to participate which is sometimes hard trying to get people to do, so he appreciates that. He thanked him for applying. Duvall stated that he enjoys learning and helping people. He viewed this as a steppingstone to when he gets older to finding his way to a possible Town Board seat.

- Thorn asked if he knew of any restrictions the Board is placed under or are they allowed to let things go according to their whim?

Duvall stated that from what he understands the Zoning Board has a set of guidelines that they follow, and they work with the Planning Board and Town Board on certain matters. He doesn't claim to know those rules, but he understands there are rules they have to follow.

- Torpey asked what he felt the strengths are of Bloomfield?

Duvall stated that he thinks Bloomfield is great, the school system is great, he has 2 children attending school. He went to school here and he feels that Bloomfield is a tight knit community and that it tries to support each other's businesses.

- Torpey asked what areas of knowledge he would bring to the Board?

Duvall stated that he grew up farming and believes he's knowledgeable and could possibly bring a different perspective in some area such as when building, rezoning, or the sale of property. He sees a lot of possibilities while also preserving the Town and its agriculture.

- Crocker asked where do you feel the pressures are on the Town?

Duvall stated he feels that home growth and building new homes especially a cul-de-sac with using existing farmland but preserving the Town and its agriculture.

Torpey stated that he gave his views as a farmer and a business owner, and she stated that the Board has to balance against all sectors within the Town as there are a lot of people living in the town that are not farmers or business owners. They need to balance their interest as far as growth of the Town as well. And asked how he would approach balancing those interests if it came to a tug with a business owner that wants to do something that would disrupt the character of the neighborhood in a residential area. Duvall stated that you need to take into consideration of the people and their privacies and if someone wants to build a business or a house next door that could potentially disrupt them and the view of their home that could be taken into consideration and the neighbors are notified so they can come in and speak with the Board. Hearing people out and hearing what they have to say is very important.

Torpey asked about time commitment, Duvall did not see an issue with that at all. Torpey asked if the guest had any input, Kathy Conradt stated that sometimes the public will come in because they don't like what's being proposed but the Board has criteria that they have to review, and the criteria allows something, but the public doesn't like it will you be comfortable making a decision based on what's allowed vs what the public feels. Duvall stated he thinks he can do that and stated you cannot make everyone happy, but you can try your best. **The Board thanked Duvall for his interest in the Zoning Board of Appeals and he thanked them as well for their time. There were no further questions.**
The Board started the next interview with John Cavagnaro.

John Cavagnaro has shown an interest in serving on the Zoning Board of Appeals. He sent a letter of interest and resume to the Zoning Board of Appeals Secretary. Torpey asked how he became interested in serving on the Zoning Board. Cavagnaro stated that he has been a resident of Bloomfield for over 6 years. He is looking for more opportunities where he can serve the community and learn more about the community so that we can all keep enjoying the town that we have.

Torpey asked a series of questions.

- What is the Purpose of the Zoning Board?

Cavagnaro stated that the purpose is to back up the laws that are already in place. If there is a dispute, resolve the dispute based on previous rulings and or judgments made in the past while preserving the town.

- Torpey asked for examples of backing up laws that are in place and resolving disputes?

Cavagnaro stated that it could be something as simple as putting up a fence, and the code states you need to keep it on the property line or three feet from the line, but the applicant says he cannot as his existing garage is only two feet from the line. The Board would review it and state we will allow you to do that in this case for these reasons within the safety of the community. There could be other reasons such as utilities underground electrical or water where you cannot go near, or an easement or right-of-way.

- Torpey stated that in the case of a shed what conditions would need to be considered by the Zoning board, and what conditions of the property should allow for a reduced setback?

Cavagnaro stated that safety, aesthetics, and character of the neighborhood along with the statues being itemized and checked off. The Board needs to determine what does not comply and why. The homeowner should be given the reasons why they should be above the law. Maybe the home was built before the existing code.

- What is the purpose of the Zoning Code?

Cavagnaro stated that you must have rules and regulations, standards terms, and conditions that everyone needs to follow for safety, reliability, and consistency. Keeping the same standard even though you have different individuals and different characters. There are times where you may have to vary from those rules, but it has to be a good reason.

- Have you looked at the Zoning code and are you familiar with it at all?

Cavagnaro stated not completely, but he has dealt with a contractor and an engineer for their septic and last year a pool so there were rules and regulations for those.

- What types of reviews come to the Zoning Board?

Cavagnaro stated commercial, residential, Government/Town property. Torpey stated those are more zoning districts, then you have rules that apply in each, but then you have the two types of variances which are use and area variances. Torpey asked if he has had any interactions with other Boards. Cavagnaro stated he has not. She asked if he knew what she meant and the difference between the two. Cavagnaro stated he did and gave examples.

Torpey asked him what he thought the percentage of the area variances that come before the board get approved. He guessed 80%. Then she asked about use variances, he guessed it would be a lower percentage such as 65% because he feels that Bloomfield has history and structure, and a lot of people want to maintain that.

- Are you familiar with the Towns Comprehensive plan?
Cavagnaro stated he is not.

- Torpey asked what areas of knowledge he would bring to the Board?
Cavagnaro stated he currently serves on 2 other Boards, one being the East Bloomfield Fire district and with that you sometimes have to make quick and swift decisions based on the standards that are in place. He also stated that he deals with drawings and blueprints on a regular basis. He must comply with ISO regulations which are a standard set of rules for quality management. Torpey stated that from what she is hearing he is very detailed oriented.

- Thorn asked how he felt his personal skills play into what he would bring to the Board.
Cavagnaro stated that he works with people from all different ages, backgrounds, experiences and management levels and having that experience he can apply the conflict resolution to the Zoning Board for example if an applicant comes in and states they have a problem, you ask what's the problem, and they say I can't meet code but I want to do this project with this change. So now you are into problem solving. You read the code, and maybe there is some gray area. The applicant, due to specific reason needs, can show/prove that they can comply with 80% of the specifications but now the Board can make an allowance for a certain section of the code. With problem solving skills you correct that with corrective action based on data and previous record. His style is dotting the I's and crossing the T's. You have to go with a little bit of experience and your gut and knowledge of what is going on. Thorn stated he liked his answer as the Board works with a lot of parts that are fuzzy, subjective, and individual. There's a process, you look at the defects and risk, then ask what is the severity, what's the occurrence and what's the protection of those possible failure modes and what steps can be put in place to mitigate the issues and concerns. Give reasons why you're turning down the proposed based on the answers and data you have collected.

- Thorn asked if he would be willing to serve as an alternate if not chosen as the number one choice as they have been allocated one but have not filled that position. As they are currently missing a member tonight as well as being down a member. Cavagnaro stated he would.

The Board thanked John Cavagnaro for his interest in the Zoning Board of Appeals and he thanked them as well for their time. There were no further questions.

The Board started the next interview with Geoff Breeze.

Geoff Breeze has shown an interest in serving on the Zoning Board of Appeals. He sent a letter of interest and resume to the Zoning Board of Appeals Secretary. Torpey asked how he became interested in serving on the Zoning Board, Breeze stated that he moved to Bloomfield in 2020 from Churchville. He has been a volunteer firefighter since he was 15. He has never been on a Board but, would like to learn more about it. He would like to get more involved in the community as much as he can, help the community and learn from the other Board members.

Torpey asked a series of questions.

- Torpey asked if he had been in front of any other Boards before and if he had any good or bad experiences?

Breeze stated he had not. It is a new experience for him, and he is willing to learn, he's interested in how the Town works and getting involved with other committees and Boards.

- What is the Purpose of the zoning Board and what do they do?

Breeze did a little research on it with the applications and different things that happened in the Town, he doesn't have a lot of information but is willing to learn more and be trained. Torpey stated you don't have to have all the answers they as a Board are trying to get a sense of you as a person and your motivation for trying to get on the Board. He answered that he wants to learn, meet people, understand it better and be part of the community through involvement.

- What types of reviews come to the Zoning Board?

Breeze stated the Zoning Board deals with different things you want to do with your property. Torpey explained the different districts we have in the Town.

- Crocker asked what do you think the pressures are for Bloomfield and drew you to Bloomfield vs Victor or Farmington?

Breeze stated that he started work for Constellation Brands and did all their IT work for them and now works for Cisco. What drew him here was the property, it's beautiful and quiet. They wanted 5 acres of land. They have met some wonderful people like Randy Spurling who owns the campground. Torpey asked if he knew what a comprehensive plan was, because behind the question of what attracted you to Bloomfield was how would you like to see Bloomfield evolve for the long term? Breeze stated he would like to see it stay agriculture, and farmers keep farming. In the fire department we learn where stuff is, businesses, farms etc. They get to meet the people and its awesome to meet people that have been here and running a business for years.

- How do you think the Zoning Codes protects why you moved to Bloomfield and what you would like to see in the future?

Breeze stated that he imagines the code protects from huge building being erected in residential areas, and stuff similar and that is why you have different areas like commercial residential etc. as Torpey mentioned earlier. And when it bought the house, he wanted to understand what it was zoned for as the previous owners had horses. He again stated he is willing to learn his background is IT, Torpey stated that is still applicable as an IT person you have to abide by certain specifications and standards, and she stated she's guessing he understands the code it's something they stive to abide by, and there are criteria test the Board needs to abide by when someone brings a request for a variance before the Board. Breeze agreed.

- Thorn asked Breeze how he thought his personality would work with the Board as far as conflict resolution, and solving issues that come before the Board?

Breeze stated that for many years he has served as an IT professional and has a team of seven people that are all over the us and the world. He resolves conflicts on a regular basis, he supports Webex for several large customers. He also mentioned that at the fire Department they must work as a team to solve a problem.

- Torpey asked how enthusiastic he would be to jump in and just read code.

Breeze stated that he reads code all day long, so it would not be afraid to dive in to understand code. He literally can soak in a lot of knowledge.

- Torpey asked about his time commitment for the meetings?
Breeze stated he feels he can commit to the meeting nights and times.

- Thorn asked if he would be willing to serve as an alternate if not chosen as the number one choice as they have been allocated one but have not filled that position. When they are down a Board member it causes some hardship to the applicant. Breeze stated he would be ok with that.

The Board thanked Geoff Breeze for his interest in the Zoning Board of Appeals and he thanked them as well for their time. There were no further questions.

The Board started the next interview with Jay Mitchell.

Jay Mitchell has shown an interest in serving on the Zoning Board of Appeals. He sent an email to the Town Supervisor expressing his interest to the Zoning Board of Appeals.

Torpey asked how he became interested in serving on the Zoning Board. Mitchell stated that he would like to serve the public. That was the reason he served on the Town Board as well. He saw that there was an opening on the Zoning Board he thought it would be a wonderful way to continue to contribute to the community. Mitchell served on the Town Board for 5 years. He stated that the time the Board members give to serve is admirable, some things the Zoning Board reviews can be controversial. Use variances seem to be tougher than area variances and he feels what the Board does is important. He stated that often there will be a group of people that are not happy with the decision, whether it be the person that wants the variance that doesn't get it or a group of neighbors that think that their lives will be impacted even though 3 or more members of the Board decide it does meet the criteria for allowing a variance. He stated that in his professional life or private life being a referee and coaching kids in the past his interest was never being the popular guy but doing what was right.

Torpey asked a series of questions.

- What function does the Zoning Board fulfil in contrast to the Planning Board?

Mitchell gave examples of needing a variance and what the steps would be to get one with back up data and discussing the request with the neighbors. He then asked Torpey if she would like him to continue. She responded by saying that she was waiting to see if he mentioned anything about the comprehensive plan. He stated he's not sure where it fits in the Zoning board but believes it plays a role with the impact. Torpey added with the long-range impact as well.

Mitchell stated that he had been involved with Code Enforcement, more with prior Code Officers, but he was discussing codes with Rayburn earlier in the day. He stated he would do his research on the code to see what it says, he's a very good researcher. He said he's not coming in to tell the Board what to do, he's coming in to be a part of the board.

- What unique perspective do you feel you would bring to the Board?

Mitchell stated that he may not bring a unique perspective but is someone that would do their due diligence by using the NYS criteria for awarding variances. He realizes there is a lot of grey area. Torpey added using the criteria in the contexts of the Town. Mitchell added he is always concerned about precedence. Being on the Town Board, specifically dealing with water and sewer, there were things that a blind eye was turned to many years ago that were allowed that really should not have been allowed. Now someone else comes along and wants to do the same thing. We need to be vigilant of their precedent for something in the past when were dealing with something in the grey area. The Board needs to be careful when making a decision as once the decision is made, we are establishing another precedent.

Torpey stated that Michell has experience so there is no point in asking the other questions.

- Crocker asked Mitchell where he thinks the Zoning Board falls short and they could do better? Mitchell stated he does not have a reason to be critical of the Board. It's not the role of the Town Board to get involved even if a resident asks them to. He stated if he becomes a member of the board, he may be critical of the board if he gets the sense, they are not approaching something the right way and he is unable to convince two others. He mentioned that in the last 6 or 8 years he feels the Town Board worked together so well was due to the fact they had disagreements between themselves. He stated they all respected each other. They may have disagreed but were not disagreeable.

- Torpey asked what Mitchell thought the key pressures on the Town were and will be in the next five years?

Mitchell stated it falls more in the Planning, there will be a push for residential development and maybe in areas that are not zoned for it. Pressure from some landowners for use. He stated he didn't follow everything the Zoning Board does so they may have a better view of what's being asked for.

- Thorn asked if he would be willing to serve as an alternate if not chosen as the number one choice as they have been allocated one but have not filled that position. When they are down a Board member it causes some hardship to the applicant.

He stated he did not know, and the reason for that answer is that he needs to be productive and productive with his time not unorganized or unproductive. He is looking for a way to continue to be useful to the community. He does not look at himself as being too worthy of being an alternate due to those reasons.

The Board thanked Jay Mitchell for his interest in the Zoning Board of Appeals. There were no further questions.

The Zoning Board Chair will send a letter to the Town Board with their recommendations for appointments.

Torpey opened the Public Hearing at 7:15 pm.

Torpey asked about the neighbor notification letters. Evangelisti provides the letter receipts, and they were found to be in order.

II. Area Variance, TV5, TV6-23 Owner James Evangelisti, 1935 Brace Rd for a 60 x 80 Pole Barn to be placed in front of primary structure with one Front Setback and one Side Setback.

Evangelisti stated that he would like to build a 60 x 80 Pole barn for storage of cars. Evangelisti is asking for two area variances, a front setback to be closer to Brace Rd. and a side setback to be closer to his father's driveway. Torpey asked what other items would he be putting in the barn besides cars? Evangelisti stated that the existing metal building is where some of his cars currently are, they need a place to put all the current cars and he has others that are being stored offsite that he would like to bring home. They need a place for all the animals that are outside, can be inside for the winter. They are all pets, so they want to keep them inside where it is warm in the existing metal building. Torpey asked if there were going to be any amendments to the metal building. Evangelisti stated that no, nothing is going to change.

Crocker asked why he wants to put it there? Why not move it back? It is a giant piece of property. Evangelisti stated that the field behind the existing fence is crop land, they crop during the summer for alfalfa that is for their animals, as well as the only spot that is left in that big area is a valley. They have laid drain tile through the center of it because it is the wettest part of the property. Evangelisti stated that they had a large flood, and it stays wet.

They had to lay 12 ft of drain tile from the corner of the building to a pond and then drain tile out of another pond into a culvert that goes underneath the driveway. There was a brief discussion on the amount of fill, crushed stone and drain tile it would take to put the barn somewhere else; Evangelisti stated it would be cost prohibitive.

Thorn asked Evangelisti about the number of vehicles that were currently in the metal building, and why they proposed a building 3 x's the size of that? Evangelisti stated that he has had complaints about cars on his property. He has driven cars into his backland and has left them on the gravel road to get them out of the public eye and he would like to have them inside. He currently has 9 cars in winter storage on other people's property. They collect cars, Evangelisti and his father have over 32 cars together.

Thorn asked Evangelisti from his letter of intent what additional livestock was he looking to add? Evangelisti stated that in the future they would like to add 2-3 cattle and a donkey. His goal is to become self-sufficient. Torpey asked what animals do they already have? Evangelisti stated that they have goats and chickens which are under an overhang from the existing barn where the cars are and are outside in the cold.

There was a question about utilities. Evangelisti stated that there will be electricity and heat in there so the cars do not freeze up in the winter.

Torpey asked about the design and if Evangelisti worked out a storm water plan based on what he described with the valley in the back and the other drain tile? Evangelisti showed Torpey from the map, from where the water comes off the road, they would run the drain tile around the front of the driveway back around and through the gravel area into the pond so everything can continue its path. Evangelisti stated they have a bad spot for water. He stated that their house flooded up to 3 ft. 3 years ago and that they have already laid over 3,000 ft. of drain tile.

Crocker asked about the right-of-way to the driveway. Evangelisti stated that he has a verbal agreement with his father. Crocker stated that if he has use of the driveway why not put the barn way in the back? Evangelisti stated that is the wettest part of the property and is where they farm all their hay. It would be too expensive with the amount of fill, drain tile, and gravel they would have to put there.

Crocker asked if the barn in the back had power. Evangelisti stated yes. Torpey asked if he planned on tying into the electric from the line that runs along his father's driveway? Evangelisti stated that the line would most likely come off the pole at the road and would have its own meter.

Torpey asked if the Pole barn is going to be a 60 x 80, what was the height going to be? Evangelisti stated the height was going to be 16 ft ceilings inside.

Torpey asked if there were any comments from the public? Roger and Peg Ilardi stated they live across the street from Evangelisti, and they have no objections.

Torpey declared to close the public hearing at 7:40, all Board members in attendance voted aye.

Torpey gave the option to the applicant to table further review of application until the next available meeting date so that there would be a fuller Board which would give the applicant at least four Board members for the review. There was a brief discussion on what would happen if they went forward versus if they waited. Evangelisti stated that they would wait until they had a fuller Board.

Torpey postponed the meeting until February 28th.

II. Meeting Minutes

Minutes of August 23, 2023

Torpey motioned and Thorn seconded to approve the minutes from 08/23/2023.

All Board members present at the 08/23/2023 ZBA meeting voted Aye. Vote was carried unanimously.

III. Meeting Adjourned

Torpey motioned and Crocker seconded to adjourn at 8:10 pm. All Board Members present vote Aye. Vote was carried.

Respectfully submitted,

Christel Daggett

Planning & Zoning Board Secretary