

TOWN OF EAST BLOOMFIELD

February 28, 2024

Zoning Board of Appeals Members Present, Sonja Torpey, Art Babcock, Tim Crocker

Absent: Mark Thorn

Others Present: Christel Daggett (Secretary), James & Alyssa Evangelisti (Applicants)

Torpey opened the meeting at 730 pm due to weather issues. The Public hearing was closed at the prior meeting.

I. 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.

James and Alyssa Evangelisti returned to the Zoning Board of Appeals for review of their application from their 1/24/2024 meeting. Their meeting had been tabled until 2/28/2024.

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

- 1. Undesirable change to the neighborhood:** The Board feels that the code exists for a reason and as indicated the other barns that now exists predate the zoning code. Those barns were a feature that was already in the neighborhood and it's not against the character overall. With a new build, the zoning code was implemented to try and preserve a certain state within the AR-2 district to have primary and accessory structures removed from the boundaries of other parcels and from the roadway. Undesirable is a subjective term, but the proposal is not in character with the neighborhood. Typically, when you see an outbuilding in front of a house it is typically on a flag lot where the house is back hundreds of feet. The Planning Board reviews buildings that are in the front line of the house for site plan review and it's typically on a flag lot where the house is so far back that it's a matter of convenience for them to have the outbuilding in front of the house. Usually, it doesn't require a variance because the lot is so large. You have a tree line if you are coming from the south but from the north or the west it would be in the view shed, especially if it's going to be two stories.
- 2. Alternative method:** There is an alternative as there is other acreage on the property. A discussion was held on wet areas and drainage regarding the proposed location and other possible locations that could be used. There would be significant earthmoving, however there is also earthmoving involved in placing the barn where it has been proposed. There is an alternative method with qualification regarding drainage on the property.
- 3. Substantiality:** The variance that they are looking at is for the front setback, since this is an accessory building on a single family property the variance is substantial because it is greater than 50% which is the same for the side yard setback.
- 4. Impact on the environment:** Creation of a steeper bank on the East side of the barn could affect run-off. The applicant stated in the public hearing that they have a plan for directing stormwater. Torpey questioned if there could be potential impact to the driveway by increasing the slope of the bank? The slope that the applicant is proposing is the greatest allowable slope you could have without having erosion across the back and it already drops off.
- 5. Self-creation:** Yes, the Board feels this is self-created.

Torpey motioned Babcock seconded to deny the two variances requested for a 60 x 80 Pole Barn to be placed in front of primary structure with one Front Setback and one Side Setback.

Whereas:

1. The proportion and location of the barn would not be in character with the current neighborhood.
2. An alternative location does exist but would require bringing in fill that is also planned for the current location and therefore could be an option.
3. The requested change is substantial as it represents 50% reduction of the current zoning code setback.
4. The impact on the environment is minimal although storm water runoff may be impacted for the adjacent property and to the east of the proposed building.
5. The request is self-created.
6. The motion is denied due to the reasons given in the minutes above and prior review.

Record of Vote:

Torpey Aye Babcock Aye Crocker Aye

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

II. Meeting Adjourned

Babcock 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