

TOWN OF EAST BLOOMFIELD

March 27, 2024

Zoning Board of Appeals Members Present, Sonja Torpey, Art Babcock, Tim Crocker, Mark Thorn, Geoffrey Breeze, John Cavagnaro

Others Present: Kimberly Rayburn (Building and Zoning), Christel Daggett (Secretary), Sean & Shannon Finucane (Applicants), Mark Muller (Architect for Finucane), Melinda Pickett & Steven Vogel (Applicants) Adam & Bambi Talley (Applicants)

Torpey opened the Public Hearing

I. Area Variance, TV1-24 Owner Sean & Shannon Finucane State Route 64 Tax Map #67.03-1-2.200 Site plan for Pole Barn in front of primary structure with one Front Setback. . Requesting 50 ft Front setback variance placing structure 25ft. from Right of Way where 75 ft. is required on a flag lot.

Mark Muller, Architect for Finucane, spoke on their behalf. Muller stated that he worked with Venezia on the Site Plan. The property is on Rt 64 and is a Flag lot. It is a difficult property that is long and skinny with a hill running from north to south. The septic is at the south end which is downhill. Muller is designing the house. With the elevation change he tried staying at the high end. The perfect place for the house is where the driveway is level, the proposed location for the barn is to go toward the roadside by the house. There is a pinch point in the lot. When you go north to south it pinches in where you have a 50 ft setback on one side and 75 ft on the other side where it narrows down is where the drainage would go. The placement of the barn is 25 ft off of what they call the front property line and is in front of the house. They are asking for a 50 ft. variance to put the barn within 25 ft. of the that line. They spoke with the neighbor Dayton, and he didn't seem to have any concerns about it.

Torpey asked Muller to describe the construction of the barn. It seems to be right next to a well. Muller stated there is a well at the proposed site, they would put a manhole over the well, cut the casing down and pipe it from the house. It will have a manhole cover on it like you would see on the road so that they can drive over it.

The barn will be a 40 x 60 pole barn 12 ft to the walls and 17 ft tall to the ridge. There are existing grades around the barn where they had taken some of the slope off to even out the pitch of the driveway going downhill to the south end.

Torpey asked what the elevation was to the northeast? Muller stated that it is flatter in general they have grading there to pick up the water coming down the hill and take it to the road ditch stopping water coming off of the field. Torpey asked if anticipated any additional runoff from the barn on the one side? There will be a down spout down where the property is low and where the swale goes. There will be yard hydrant.

Torpey closed the Public Hearing.

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

1. **Undesirable change to the neighborhood:** There is no undesirable change to the neighborhood.

2. **Alternative method:** as described by the applicant the contours and sloping towards the south of the property and shape of the lot, there is not a better position for the barn, they have setbacks to the north, and they don't want to obscure the view from the house. Babcock stated that if you were coming in from a different direction, where the road was in a different place, you would get the feel of that being a sideline, not a frontline where 75 ft. is required. Hypothetically if you looked at it as a sideline where a 25 ft. setback is required for an accessory structure, then it would be less substantial. A discussion was held on other locations and possible drainage or grading issues.
3. **Substantiality:** per code it is substantial.
4. **Impact on the environment:** There would be some but, not significant
5. **Self-creation:** Yes, it is always self- created

Torpey declared SEQR a Type II with no further action required.

Thorn motioned Crocker seconded to grant the variance requested for a 50ft Front setback variance placing structure 25ft. from Right of Way where 75 ft. is required on a flag lot.

Whereas:

1. Given the current site plan and is not an undesirable change to the neighborhood.
2. There is no impact on the environment.
3. It is substantial, however, given its placement on the lot it is a flag lot 300 ft off the road and is shielded from the rest of the property. With the neighbors existing barn there would be no visible conflict with having it exist where it is. No screening would be necessary due to the existing barn acting as a screen. Given that there are no neighbor objections.
4. The Code Officer will verify the setback of 25 ft.

Record of Vote:

**Torpey Aye Babcock Aye Thorn Aye Crocker Aye Breeze Aye
All Board members present voted Aye, Vote was carried unanimously.**

II. Area Variance, TV2-24 Owner Steven Vogel (Agent) Melinda Pickett 2424 Steele Rd Tax Map # 68.00-1-57.112 Requesting a 18ft Variance 42 ft from front where 60ft is required.

Pickett stated that she runs a New York licensed daycare out of her home which is a 3 bedroom. She is a licensed group daycare and can have up to 16 children in her care daily. Pickett stated they would like to put an addition on the house to have a separate place for daycare. The site plan shows a 40 x 32 space. Some will make her master bedroom a little bigger for closet and storage space and the remaining will be a separate space for her daycare with a separate entrance going out towards the driveway with a kitchenette and a separate bathroom. Pickett stated that the reason she would like to put the addition there is to the east is where the septic and leach lines are. Where they have their deck, to the left is a big patio and concrete parking. The driveway is there, which will make it easier to have a separate entrance, so they won't have parents and children going through their home to get to the daycare. Pickett stated that she is asking for an 18ft. variance so that she will have enough space for the children where they will have ample room to play and not be stuck in a room. Right now, she uses her whole house, so the children have free reign of the living room and kitchen. Having a separate space would be great for her family. Pickett has 3 boys of her own and are getting older and need their own space.

Rayburn stated that there is an existing line of Pine trees at the road line so the house is not visible from the road and would be used as a natural buffer. Pickett stated that they have a lot of trees that wrap around the property.

Crocker asked where the well was. Pickett stated that their well was in the backyard, but they have Town water. They use the well for the garden and washing the car. The water line comes in at an angle from the road. They plan on doing a crawl space so it shouldn't go far enough to affect where the water comes i

Torpey asked Pickett why they didn't pick the back side of the house for the addition? Pickett stated when they did their patio she wasn't doing daycare. She would like to keep the patio. It was expensive to put in and didn't want to have to tear it out. The backyard has a fenced in area and a mulched playground area.

Torpey asked Pickett why she chose the shape that she did? Pickett stated that she liked the L shape because she wants to keep her front porch and flagpole, she decorates her front porch and likes to see it when she pulls in her driveway and likes the view from the window in the bedroom.

Torpey closed the Public Hearing.

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

1. **Undesirable change to the neighborhood:** It is not visible from the road; current neighbors are not opposed to the project. Maintain existing tree buffer.
2. **Alternative method:** The addition would require a variance regardless of its shape. It's just the substantiality that you would have. It cannot go to the north due to the septic. Existing structures and access limit moving it to the west behind the house. Architecturally it makes the most sense.
3. **Substantiality:** It is not significantly substantial
4. **Impact on the environment:** There is minimal grading required.
5. **Self-creation:** Yes, it is always self-created.

Torpey declared SEQR a Type II with no further action required.

Torpey motioned Thorn seconded to grant the variance requested for an 18 ft Variance 42 ft from front where 60ft is required.

Whereas:

1. Recognizing that the addition is not an undesirable change to the neighborhood and will be screened by trees along the east border of the property.
2. There are alternatives to the location of the proposed structure, but they would be economically burdensome and are not logical in terms of the other features on the property including the septic, leach lines, and existing structures behind the house to the west.
3. Substantiality is there but is minimal.
4. There is not a significant impact on the environment.
5. The Board feels that it is a self-created difficulty, but for the benefit of the business that the homeowners have at the property.

Babcock wanted to discuss after the motion was seconded, that trees die off, yards change and ownership changes, he suggested to put a caveat in the motion that the screen needs to be maintained. The Board stated yes.

Babcock motioned Crocker seconded an amendment to the motion to add that the natural buffer of trees at the street be always maintained.

Record of Vote:

**Torpey Aye Babcock Aye Thorn Aye Crocker Aye Breeze Aye
All Board members present voted Aye, Vote was carried unanimously.**

III. Area Variance, TV3-24 Owner Adam & Bambi Talley 2185 County Rd 39 Tax Map #52.00-3-16.210 Requesting 17 ft Front setback variance placing structure 58ft. from Right of Way where 75 ft. is required.

Talley stated they had an old yellow barn that used to be a packing barn for asparagus, and it was leaning. They took it down last year and are now replacing it with a new barn.

When they laid out the area for the new barn it didn't fit right and there is a big tree in the way, but Talley stated he is not taking the tree down. They are asking to set the barn back and turn it. The barn is 41 ft. off the west and is 58ft. from the Right Of way.

It will not be in front of the house line. If you were to look at the way it sits, it does not sit perfectly perpendicular with the road. He didn't realize it until they started measuring. The old barn was behind the line although it did not look like it.

Thorn asked Talley what the hardship would be by pushing the barn back into compliance without having to ask for a variance? Talley stated that it would push back to close to the solar panels. The barn is going to be 14 ft. high before the trusses. He would like to put a camper in there for winter storage. They are putting a 12 ft. garage door on the barn. The height of the barn shouldn't prevent the sun from hitting the panels. Rayburn stated that there is also a garden and blueberry bush that they would like to keep between the proposed barn and solar panels.

There was a brief discussion about the color of the barn. Talley stated it would be metal. Babcock stated that maybe it should match it with the color of their house?

Torpey closed the Public Hearing.

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

1. **Undesirable change to the neighborhood:** It is keeping it with the neighborhood.
2. **Alternative method:** There is but they want to use the original location and not push it too far off the road.
3. **Substantiality:** The Board does not find it substantial. The pre-existing non-conforming house is well ahead of that. The old barn was closer to the road that was just there a year ago.
4. **Impact on the environment:** It is an improvement over the barn that fell down. It will not require tree clearing.
5. **Self-creation:** Yes

Torpey declared SEQR a Type II with no further action required.

Thorn motioned Babcock seconded to grant the variances requested for a 17 ft Front setback variance placing structure 58ft. from the Right of Way where 75 ft. is required.

Whereas:

1. There is no undesirable change to the neighborhood.
2. The alternative method is just to make it so that the original location is used and not push the barn too far off the road as the previous barn was actually closer to the road than this one will be.
3. The pre-existing non-conforming house is 36 ft. off the ROW so, the barn will be behind it fitting into the property.
4. There is no impact on the environment.

Record of Vote:

**Torpey Aye Babcock Aye Thorn Aye Crocker Aye Breeze Aye
All Board members present voted Aye, Vote was carried unanimously.**

IV. Discussion:

The Board welcomed Geoffery Breeze as Full-Term member and John Cavagnaro as Alternate to the Zoning Board of Appeals.

V. 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