
**Zoning Board of Appeals
May 2, 2018**

Zoning Board of Appeals Members Present, Art Babcock, Mark Thorn, Tim Crocker and Rosemary Garlapow

Absent: Sonja Torpey

Others Present: Kim Rayburn (Secretary), Jim Kier (Code Enforcement Officer), Kevin Brien (Agent for Driscoll)

Babcock wanted to welcome Rosemary Garlapow to the Board, she stated that she is looking forward to working with and learning from the current Board members. Babcock asked her if she was aware of her duties and the training required. Garlapow stated that Rayburn had discussed the training hours with her. The Board explained the difference between the Variances that the Zoning Board reviews Area vs Use and the criteria they are required to use to come to a decision.

Babcock opened the meeting at 7:30 pm and Rayburn read the public hearing notice.

I. Area Variance Review TV1-18 Area Variance for Owner Karin Driscoll 6349 Co Rd 30 tax map # 68.00-1-39.000 has applied for an Area Variance, to erect a Screened in Porch onto existing single-family home. A Variance to the front setback is requested as the house was built pre-existing to setback code Schedule I and must follow section 135-33 Expansion of nonconforming uses and/or structures.

Babcock stated that this review is not considered an area variance, it is an expansion of a nonconforming structure and requires a review by Zoning Board of Appeals (ZBA) per section 135-33 Expansion of nonconforming uses and/or structures. Babcock read the section and noted the key parts that the Board needs to take into consideration which are: location and size of expansion and the nature/intensity of the operation involved.

Babcock asked Kevin Brien the agent/contractor for Karin Driscoll to explain the proposal. Brien stated that the homeowner wishes to erect a 12 x 16 screened in porch at the rear East side of her home. The house sits approx. forty-five (45) feet from the road and the rear of the home sits approximately 65 ft from the road.

Babcock stated that from what he understands that if any part of the existing structure that you wanted to add onto was behind the seventy-five (75) foot setback and the new addition was behind that line as well Driscoll would not need the review. However, the entire house is in front of the required setback therefore the need for a review for expansion of a nonconforming structure. This farmhouse was built before zoning and Brien stated that he was told that the road was widened therefore her home is closer to the road than it was when it was built.

Babcock made a motion to close the public hearing Crocker seconded the motion, all Board members present voted aye. Babcock read the motion from the Planning Board, a brief discussion was held on the empty tank located approximately one hundred (100) yards in the back yard that the Planning Board mentioned. Rayburn spoke to Driscoll and Driscoll told her the tank has been there for the twenty-seven years since they have lived on the property not being used. The septic is on the west side of the home and the leach lines are on the opposite side of the driveway.

Babcock asked the Board if they have any concerns about the proposed porch, he feels that its not significant to have the porch attached at the back corner of the farm house and it seems totally in keeping with character of the neighborhood. The location and size are not substantial, and they will still be able to meet side and rear setbacks. They do not feel that any additional screening is required, there are farming fields to the East, and no additional conditions will be required.

SEQR was discussed Babcock made a motion and Thorn seconded the motion to declare SEQR a type II action with no further action required. All Board members present voted Aye.

Thorn made a motion and Crocker seconded the motion to approve the expansion/addition to a nonconforming structure (house) owned by Karin Driscoll lands located at 6349 Co Rd 30 tax map # 68.00-1-39.000

Whereas:

- 1. The location and size of the expansion are not unlike the rest of the neighborhood, and it is not of a negative appeal to the neighborhood**
- 2. The addition is not substantial**
- 3. The proximity to the current setbacks have been taken into consideration, they are able to meet side and rear setbacks**
- 4. There is no change to the parking**
- 5. There is no need for additional screening, and the Board has no additional conditions they would like to place on the approval**

Record of Vote:

Art Babcock Aye

Mark Thorn Aye

Tim Crocker Aye

Rosemary Garlapow Aye

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

II. Meeting Adjourned

Thorn made a motion and Crocker seconded the motion to close the meeting @ 8:15 pm. All Board members present voted aye, Vote was carried unanimously.

Respectfully submitted,

Kim Rayburn

Planning & Zoning Board Secretary