

TOWN OF EAST BLOOMFIELD

July 19, 2023

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

Absent: Rosemary Garlapow

Others Present: Kimberly Rayburn (Building and Zoning), Christel Daggett (Secretary), Jeremy Anzalone (Applicant)

Torpey opened the meeting at 7:00 pm.

Torpey asked about the neighbor notification letters. Anzalone supplied the receipts from his mailings, and they were found to be in order. Rayburn read an Email she received from Robin Stewart 2473 County Rd. 39 that stated she was going to be out of town on the night of the meeting and wanted to share her opinion. She is against approving the request. She stated that the property is large enough to accommodate the size of the building they will be erecting without approving the variance. Torpey opened the public hearing.

1. Area Variance, TV3-23 Owner Jeremy Anzalone, 7458 Eddy Rd. Tax Map # 67.00-1-20.310
Requesting 35 ft Front setback variance placing structure 40 ft. from Right of Way where 75 ft. is required.

Anzalone stated he would like to put his barn on the West side of the property which is roughly 150 ft. from the house. Anzalone picked that spot because it is a relatively flat level area for the barn without having to spend a large amount of money for excavation. The spot is also close enough to the road where he would like to put in a driveway at some point.

Behind the open field where the barn would go are multiple mature trees. He pushed it back without getting too close to the trees because he goes back any further to the 75 ft. requirement, he would have to start taking down mature trees. He loves the trees and wants to keep them there. They are one of the reasons he bought the property, because they are beautiful.

If he builds to the east of the house, it drops off extensively down towards his neighbor's house. Anzalone's house sits 88.4 ft to the property line. He feels he would have to get another variance for the side to put it there. The excavation would be very expensive as well. Putting it directly behind the house, the property slopes away and there is also a lot of drainage tiles that the previous owners installed that he does not want to disturb because the property drains well and in addition to that he does not want water flowing down towards the barn causing issues. On top of that if he put a driveway in there, he's not exactly sure how that would work. He can't go along the area immediately to the west of the house, that is where the leach field is.

Torpey asked if the survey map was to scale 36 x 36? Anzalone stated yes. Torpey stated when the Board evaluates a variance, they want to approve the least amount variance possible. Torpey stated that by looking at the map it does look like you can push the pole barn further north. She stated it shows on the map a Black walnut that is 48" diameter. It looks like there is some clearance between the wooded area and the pole barn. A discussion was held regarding the placement and the overhang of the branches so that they are not hanging over the roof. He doesn't want to trim so much that would end in having to take some trees down.

Torpey stated alternatively what if he built the barn in a rectangular shape instead of square so that it's running east west as opposed to the square. Anzalone stated originally, he looked at rectangle, but when he saw the square barn, he thought it looked better. As far as storage purposes he liked the idea of the front of it. He plans to have a large garage door on the front plus a service door that he can see out of his window. He's not sure if he started shrinking the barn, he can get the large overhead plus the man door that he wants to have. He wants to be able to see the entrances to the barn from the window of his house.

Thorn asked if the front was the east side, and the opening of the garage door would be facing the house and not the road? Anzalone stated that was correct. Torpey asked what type of siding and roofing it will be? Anzalone stated a steel siding pole barn and steel grayish black roof. Thorn asked other than increasing the length of the driveway to go north, if you go northwest, you said the spot that you've chosen is the only spot that's level, however that whole area looks the same. Is there a reason why you wouldn't push it to the northwest by 40-60ft.?

Anzalone stated there is a hayfield there that is currently being farmed. If you go further north beyond the trees it is all crop field. If he was to go beyond the trees he would be in the hayfield. He currently has a lease with Marinacci to farm the hay that's there.

Torpey asked Anzalone what the color scheme of his house was. Anzalone stated that it is gray siding and cobblestone on bottom. Crocker asked Anzalone if he was going to get a permit for the driveway. Anzalone was told he would need to check with the Town Highway Department after he gets approved for the building, he needs to take one step at a time. If he can't put driveway in this location, he would still put the barn there and just wouldn't store the vehicle in there. Torpey asked Anzalone what else he wanted to put in the barn. Anzalone stated he would like to put a tractor, zero turn, ATV, and deck furniture and someday have a pool and will need storage for supplies.

Torpey asked Anzalone if the reason it wasn't closer to the house, a little further to the east, is because of a pine tree being there? Anzalone stated once you start getting closer to the house the leach field and septic is near and you can't drive over it. The septic leach field is in the clearing in the trees by the woods and black walnut tree. That is also where the septic tank is.

Torpey motioned Crocker seconded to close the public hearing, all Board members in attendance voted aye.

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

1. **Undesirable change to the neighborhood:** Torpey looked at a satellite view on google before the meeting and noted applicant was right about other properties having non-conforming structures on Eddy Rd. and county Rd 39 that are closer than 44 ft. Only one neighbor commented negatively, there were no other comments from neighbors. For aesthetics he might try to have the house and barn match color scheme, that would be ideal. Torpey feels it is not an undesirable change, the Board agreed.
2. **Alternative method:** The Board considered moving the barn in all directions in each area. There is a significant reason why it would introduce additional hardship for the homeowner and may or may not be possible.
3. **Substantiality:** the proposed is less than half of a concession on the setback at 44ft. as opposed to 75ft. It is still substantial but not over 50% which is kind of the rule of thumb.
4. **Impact on the environment:** The proposed location does not affect grading and will not create additional erosion if erected responsibly. Torpey stated she is a tree hugger and appreciates not cutting down any of the trees, and thinks they are essential.
5. **Self-creation:** The Board feels this is self-created but, not to the degree of outrageous.

Thorn asked if the Planning Board had reviewed this? Rayburn stated yes, but they didn't have any comments. They passed the structure being in front of the home contingent on the ZBA's approval of the variance. Other than that, there were no comments other than to forward to the ZBA. The location of the driveway will be up to The Highway Superintendent. Babcock stated that if Anzalone must use his own driveway he might want to move it to the east.

Babcock stated that he would like to bring up the issue that in the past when they have looked at similar variances people don't typically mind seeing a building closer in front of their house to the road, however you want to make sure storage sheds don't become collection areas outside for people to store things. Sometimes people store their stuff where other people can see it, and you don't have to drive far to see stuff stored in the ROW or close to the ROW which becomes somewhat unappealing aesthetically.

We can add things to the resolution to make sure whatever our Town Code says about storing things in the front yard look visually, and aesthetically acceptable. We don't want to create opportunities for people to have things in front of their house.

A brief discussion was held on how to control outdoor storage, outdoor vehicle storage or accumulation of stuff to the front. The Board could put a condition to forbid anything to the south to be used as storage from road to barn. Sometimes it's easier when there's already some kind of visual barrier. A buffer, hedgerow, or some kind of planting.

Torpey asked for any further comments from the Board, there were none.

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

Thorn motioned and Torpey seconded to grant the 31 ft. area variance TV3-23 Owner Jeremy Anzalone, 7458 Eddy Rd. Tax Map # 67.00-1-20.310 Requesting 31 ft Front setback variance placing structure 44 ft. from Right of Way where 75 ft. is required.

Whereas:

1. Not an undesirable change to the neighborhood.
2. The alternative methods to the east would require an additional variance, to the north the grade is prohibited and would be costly, to the west the hayfield is currently farmed and is leased.
3. Request is mildly substantial but other locations do not seem to be feasible
4. Does not create impact on the environment
5. Is self-created
6. There should not be storage of anything between the southside of the barn and the road, there should not be any obstruction for travelers on road.
7. Per conversations in minutes above

Record of Vote:

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

II. Meeting Adjourned

Thorn motioned and Babcock seconded to adjourn at 7:45 pm. All Board Members present vote Aye. Vote was carried.

Respectfully submitted,

Christel Daggett

Planning & Zoning Board Secretary