

# TOWN OF EAST BLOOMFIELD

September 28, 2022

**Zoning Board of Appeals Members Present**, Sonja Torpey, Art Babcock, Mark Thorn, Tim Crocker  
**Absent:** Rosemary Garlapow.

**Others Present:** Kimberly Rayburn (Building & Zoning), Christel Daggett (Secretary) Tom Wilson (Owner)

Torpey opened the meeting at 7:02 pm. The Board opened the public hearing and waived the reading of the public notice.

**I. Tom Wilson Area Variance #TV8-2022** rear lot line setback. Wilson asking to be 20 ft. from rear lot line where 50 is required. Property located at 7514 Eddy Road. Tax map #67.00-1-20.420.

Wilson is requesting a 30 ft variance to erect a pole barn that will be in line with his existing structure. This location would allow him to utilize the existing driveway, utilities and will be the most cost effective due to the slope of his property. Wilson would like to keep a space between the two buildings to store trailers and other items to be kept out of sight. Behind him is a hedgerow and then a farm field. The existing barn is 24 X 40. The proposed barn will be 24 x 36. The location is relatively flat with a rolling hill. The current driveway goes up to the existing barn and proposed driveway will extend a short distance to the new barn. Three sides are level but the property goes uphill at the rear. Babcock and Thorn stated that the applicant would have to excavate approx. 3 feet and bring in material if the barn was moved to the East. Torpey expressed her concern about erosion. Wilson stated he would be erecting a 2 ft6 by 6 ft block to hold back the hill. Wilson stated that he would rather erect the barn on stable ground rather than fill. Torpey asked about stormwater drainage. Wilson stated that he installed drain tile as the water used to flow away from the pond, and now everything drains downhill to the pond. Babcock stated that Wilson would like 30 ft in between the structures to allow for storage to keep the property looking nice. This would require a 30 ft variance leaving 20 ft to the back line where 50 is required. Wilson added that he would like to maintain the view to the rear of his property, and is also trying to purchase more land behind him.

Torpey declared SEQR a type II, with no further action required.

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

1. **Undesirable change to the neighborhood:** They felt that the proposed barn does not constitute an undesirable change.
2. **Alternative method:** There are several alternative methods, however most are more costly to the applicant and this location fits in with the other barn aesthetically.
3. **Substantiality:** Although substantial, being over 50% the Board feels that the property has a lot of open space, screening via hedgerows and aesthetically the look of the property will be better with the proposed placement.
4. **Impact on the environment:** Wilson will be utilizing the existing driveway and utilities. This location will decrease soil and erosion concerns, and there is a plan to mitigate those concerns.
5. **Self-creation:** The Board feels this is self-created, but this does not preclude them from granting an area variance.

**Thorn motioned Crocker seconded to grant the area variance to Tom Wilson #TV8-2022** rear lot line setback of 30 ft where 50ft is required. Property located at 7514 Eddy Road. Tax map #67.00-1-20.420

**Whereas:**

1. The Board reviewed the state mandated criteria below:

**Undesirable change to the neighborhood:** They felt that the proposed barn does not constitute an undesirable change.

**Alternative method:** There are several alternative methods, however most are more costly to the applicant and this location fits in with the other barn aesthetically.

**Substantiality:** Although substantial, being over 50% the Board feels that the property has a lot of open space, screening via hedgerows and aesthetically the look of the property will be better with the proposed placement.

**Impact on the environment:** Wilson will be utilizing the existing driveway and utilities. This location will decrease soil and erosion concerns, and there is a plan to mitigate those concerns.

**Self-creation:** The Board feels this is self-created, but this does not preclude them from granting an area variance.

2. The Board only found that it was a substantial change and that it is self-created all other questions were mitigated in discussion.

**Record of Vote:**

Babcock **Aye** Thorn **Aye** Torpey **Aye** Crocker **Aye**

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

**II. Discussion:**

Rayburn informed the Board of two area variance applications that will be reviewed at the next ZBA meeting 10/26/2022.

**III.**

**Meeting Minutes**

**Minutes of August 10, 2022**

**Torpey motioned and Crocker seconded to approve the minutes from 8/10/2022**

**All Board members present at the 8/10/2022 ZBA meeting voted Aye. Vote was carried unanimously.**

**IV. Meeting Adjourned**

**Torpey motioned Crocker seconded to adjourn at 8:15 pm. All Board Members present vote Aye. Vote was carried.**

Respectfully submitted,

Christel Daggett

Planning & Zoning Secretary