

ZONING BOARD OF APPEALS

AUGUST 15, 2022 MEETING OF ZONING BOARD OF APPEALS

MINUTES

Present: Chairman Scott DeMane, Kellie Porter, Meghan Weeden, P.J Whitbeck, Christine Hubbell
Kyle Burdo, Housing Code Inspector
James Welch, Housing Code Inspector

Absent: Elizabeth Jent
Justin Stearns

Also present: Joan Janson
Brian and Sarah Trumbull
Margaret Courson
Tayeb Bouzid
Joseph and Diane Patyjewicz
Kristina Patyjewicz

Mr. DeMane called the meeting to order at 7:08 PM. The following items were on the agenda.

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2326	JOAN JANSEN 29 COGAN AVENUE	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT ROOF COVERING ATTACHED TO GARAGE ENCROACHING INTO REAR YARD SETBACK AND CREATING OVERAGE IN LOT COVERAGE.
2328	BRIAN AND SARAH TRUMBULL 2 KENNEDY AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL 6 FOOT HIGH PRIVACY FENCING INTO FRONT YARD SETBACK, CORNER LOT
2329	MARGARET COURSON 5 GRACE AVENUE	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT PORCH INTO FRONT YARD SETBACK
2330	TAYEB BOUZID 1 MASON DRIVE	CLASS B AREA VARIANCE REQUEST TO BUILD A NEW HOME INTO COMBINED SIDE YARD SETBACKS

The agenda was heard in the following order:

- Appeal 2326
- Appeal 2328
- Appeal 2329
- Appeal 2330

The **first** item heard is appeal 2326, Joan Janson, 29 Cogan Avenue, Class B Area Variance request to construct roof covering attached to garage encroaching into rear yard setback and creating overage in lot coverage.

Discussion:

- Applicant returns after postponement from July 18, 2022 zoning board meeting.
- Discussion regarding overage in lot coverage and rear yard setback encroachment.
- Question if applicant would consider a structure detached from the garage/principal structure or a smaller structure attached to the garage/principal structure. If given this choice, applicant would prefer detaching the structure to maintain proposed size.

Public Comment: None

Motion made and approval granted in regard to State Environmental Quality Review (SEQR) for appeal #2326 at July 18, 2022 meeting.

MOTION:

By: M. Weeden, seconded by: K. Porter

MOTION TO APPROVE APPEAL #2326-A, 29 COGAN AVENUE, CLASS B AREA VARIANCE REQUEST REGARDING OVERAGE IN LOT COVERAGE FOR A 7 FT. X 8 FT. 8 IN. SHED.

ALL IN FAVOR: 4

OPPOSED: 1

(K. Porter voted in the negative)

MOTION PASSED

MOTION:

By: M. Weeden, seconded by: P.J. Whitbeck

MOTION TO APPROVE APPEAL #2326-B, 29 COGAN AVENUE, CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A ROOF COVERING ATTACHED TO GARAGE, AGGRAVATING REAR YARD SETBACK BY 7 FEET.

ALL IN FAVOR: 2

OPPOSED: 3

(S. DeMane, M. Weeden, K. Porter voted in the negative)

MOTION DENIED

The **second** item heard is appeal 2328, Brian and Sarah Trumbull, 2 Kennedy Avenue, Class B Area Variance request to install 6 foot high privacy fencing into front yard setback, corner lot.

Discussion:

- Board and applicant review of application and site plan.
- Proposal to remove section of cedar hedge row and replace with 6 foot high privacy fencing.
- Discussion regarding hedges being overgrown, unhealthy, and a traffic hazard due to visibility obstruction at the corner of Kennedy Avenue and Rugar Street.
- Applicant requesting privacy fencing due to proximity of property to public sidewalk.

Public Comment: None

MOTION:

By: K. Porter, seconded by: M. Weeden

IN REGARD TO APPEAL #2328, BRIAN AND SARAH TRUMBULL, WITH REGARD TO THE SHORT ENVIRONMENTAL ASSESSMENT FORM, WE FIND THAT EVERYTHING IS IN ORDER AND THE ZONING BOARD CHAIR MAY CHECK IN PART 2 BOXES 1-11 THAT THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT AND SIGN IN PART 3.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: P.J. Whitbeck, seconded by: K. Porter

MOTION TO APPROVE APPEAL #2328, BRIAN AND SARAH TRUMBULL, 2 KENNEDY AVENUE, CLASS B AREA VARIANCE REQUEST TO INSTALL 6 FOOT HIGH PRIVACY FENCING INTO FRONT YARD SETBACK, CORNER LOT AS PER SITE PLAN DIAGRAM PROVIDED BY FREEDOM FENCE.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **third** item heard is appeal 2329, Margaret Courson, 5 Grace Avenue, Class B Area Variance to construct porch into front yard setback.

Discussion:

- Board and applicant discussion of application, site plan, and building plans.
- Porch has been built, applicant was unaware a permit and/or variance request was required.
- Applicant describes porch is built over an existing concrete entry, adding railings for safety. Original concrete entry remains underneath the newly constructed porch.
- Original concrete entry was nonconforming, pre-existing condition regarding encroachment into front yard setback. New platform is wider, but not deeper than original entry.

Public Comment:

Kristina Patyjewicz: Spoke in favor of adding steps with railings for safety concerns.

MOTION:

By: P.J. Whitbeck, seconded by: M. Weeden

IN REGARD TO APPEAL #2329, MOTION TO APPROVE THE SHORT ENVIRONMENTAL ASSESSMENT FORM, NOTING THAT THERE IS LITTLE OR NO ENVIRONMENTAL IMPACT AND THAT THE CHAIR MAY CHECK QUESTIONS 1-11 IN PART 2, AND CHECK IN PART 3 THAT THERE WILL BE LITTLE TO SMALL ENVIRONMENTAL IMPACT AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: M. Weeden, seconded by: K. Porter

MOTION TO APPROVE APPEAL #2329, MARGARET COURSON, 5 GRACE AVENUE, CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A PORCH INTO FRONT YARD SETBACK TO SCALE PER PLANS PROVIDED.

ALL IN FAVOR: 4

OPPOSED: 1

(S. DeMane voted in the negative)

MOTION PASSED

The **fourth** item heard is appeal 2330, Tayeb Bouzid, 1 Mason Drive, Class B Area Variance request to build a new home into combined side yard setbacks.

Discussion:

- Board and applicant review of application and site plan for new 2-story home to be built on vacant lot at 1 Mason Drive.
- Board and applicant discussion regarding altering plans to make the home smaller.
- Applicant states plans were drawn based upon home directly across the street, which is a 1-story home.
- Proposed 2-story home is determined to be 25% over for lot coverage.

Public Comment:

Joseph Patyjewicz, 5 Mason Drive: Speaks to concerns regarding this proposed home being too large for this small lot. Says this area already has water problems. Concern that this house will create a backlog of water that will affect the foundations of neighboring homes. Will not be adequate place to plow snow in winter months. Concern regarding a structure currently being built on this property (shed) which Mr. Patyjewicz feels is too close to property lines. Feels this home being built 2 feet closer on either side would be a detriment to quality of life of neighborhood residents. Concern of negative effects this building would have for his disabled elderly neighbor who lives on Prospect Avenue and shares a property line with 1 Mason Drive.

Kristina (daughter of Joseph Patyjewicz): Kristina is concerned regarding several environmental and health/safety issues this proposed home would impose on the neighborhood: 1) Homes being so close together would present a fire hazard with fire being easily spread from home to home, 2) With large overhang and large foundation, water damage to neighboring homes would be increased in an area already having water issues, 3) Building this home would require destruction of several mature trees along the property line that help absorb run off and ground water, 4) House of this size will make snow removal efforts much more difficult for Kristina's elderly parents, 5) A house of this magnitude and height will impact the welfare of a community of small single story homes, 6) Proposed home is too large for this tiny lot. Concern for health and safety of this neighborhood.

MOTION:

By: C. Hubbell, seconded by: M. Weeden

MOTION REGARDING APPEAL #2330 THE CHAIRMAN REVIEW THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND INDICATE NO OR SMALL IMPACT MAY OCCUR ON QUESTIONS 1-11 IN PART 2 AND SIGN IN PART 3 THAT IT IS DETERMINED BASED ON THE INFORMATION AND SUPPORTING DOCUMENTATION THAT THE ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: M. Weeden, seconded by: C. Hubbell

MOTION TO DENY APPEAL #2330, 1 MASON DRIVE CLASS B AREA VARIANCE REQUEST TO BUILD A NEW HOME INTO COMBINED SIDE YARD SETBACKS AS SHOWN IN PLANS

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: P.J. Whitbeck, seconded by M. Weeden

MOTION TO APPROVE JULY 18, 2022 MINUTES AS WRITTEN

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

New Business:

Discussion regarding what seems to be an increased amount of porches being built into front yard setbacks prior to getting building permits/variance applications. Discussion regarding what avenues would be appropriate/effective to get this information out to the general public to raise awareness to prevent future issues via public education.

Motion to Adjourn:

By: M. Weeden, seconded by K. Porter

Adjourned at 8:35 PM

For the purpose of this meeting, this meeting was audio and video recorded. This is a true and accurate copy and transcription of the discussion. For a more detailed discussion, please see the recording.

Lisa Beebie
Secretary
Zoning Board of Appeals