

TOWN OF POMPEY ZONING BOARD OF APPEALS MINUTES
JUNE 26, 2017

The Town of Pompey Zoning Board of Appeals meeting was held on Monday, June 26, 2017 at 7:00 pm at the Town Hall. Present were: Chairman David Tessier, Kevin Sharpe, Dave Hale, and Don Neugebauer and Pat Frazee. Code Enforcement Officer Fred Hill was also present.

Chairman Tessier opened the meeting at 7:00 pm.

Chairman Tessier stated that we have an application from Brian Stone 2741 Brennan Road. He then introduced the Board, and the Code Enforcement Officer. He stated that the Attorney is at another meeting. This has been advertised for a public hearing.

The Chairman then read the application for Brian Stone at 2741 Brennan Road for a zoning variance for front yard set-back. The building permit was issued and site work was started, but three weeks after the work was started, he was informed by the building inspector that the location of the project was too close to Brennan Road and would need to be moved. It was then decided to ask for a variance from the 50 foot front set-back requirement.

Brennan Road is a three rod road, should be 50 feet from street line to determine the set-back. This is a single family use that requires front set-back of 50 feet. When the set-back was determined, Brian's drawing was used and looked like 13 feet which was advertised.

It was measured again and he needs variance of 30 feet. The height show height to peak at 21 feet. Zoning allows 15 feet, difference of 6 feet. This was not advertised for height or referred to the County Planning. This is an issue. The Board can act on the side set back, but not the height variance without the notice. There will need to be an amendment to the original application, still go to SCOPA and advertise for a public hearing next month.

The Board can adjourn or discuss.

Brian asked does it make sense to come back second time, can't it be discussed tonight?

Fred Hill stated that he relied on Brian's drawing. Tom Purcell, Town Highway Superintendent came back and thought it was too close to the road.

Brian Stone stated that it was a misunderstanding. He is trying to be understanding. It is 15 feet from the property line. He doesn't remember hearing about any 50 foot set-back. Gravel has been brought in and the cement done. Lot is 10% slope from Rt. 91. The driveway is turned, does not go onto Brennan Road.

Fred Hill stated it is set up in the right-of-way.

Chairman Tessier said the roof is parallel to Brennan Road with a 21 foot peak.

Fred Hill stated that when pulling out, you can see up and down the road.

Don Neugebauer stated that the work is done, result of prior conversations and could only be moved a maximum of 5-6 feet. You would likely be here for a variance anyways.

Kevin Sharpe asked if the 21 foot height is a problem?

Chairman Tessier stated the height formula is designed for side set-back. It makes a definite impact on the neighborhood.

Motion by D. Tessier, seconded by D. Hale to open the public hearing. All in favor. Passed.

Chairman Tessier then opened the public hearing. Please state your name and address and speak to the Board.

Kelly Bonaghy, 2738 Brennan Road. Their driveway is across from the structure and her concern is the wind blowing. It creates a drift zone of 8-10 feet from the house. The wind from the west over the top of the barn dumps onto the road. She is concerned about the safety of her children. She is very concerned. She doesn't think the 50 foot set-back would be an issue, but 13 feet? The rules are in place for a reason. She grew up in the city. She hopes the Board will uphold the rule.

Chairman Tessier said that there are five things we have to look at for an area variance.

1. achieve by other means feasible to the applicant.
2. change in neighborhood character.
3. substantial
4. adverse physical or environmental effects.
5. self created.

Brian Stone said that regarding the wind is predominantly out of the west. Someone not in line with west to east, neighbors on southern side of road.

Don Neugebauer stated that 55 feet from center line to structure. Go back another 5 feet.

Chairman Tessier said that required 25 foot, plus 50 feet from center line to structure. He has 45 feet, so we are looking for a 30 foot variance.

The Town owns roughly 75 feet from center line, so you are asking for a 30 foot variance. There is still the issue with the height. It would need to be advertised and an amendment made to the original application, then sent on to SOCPA.

Brian Stone asked if he would have to notify the neighbors again.

Mrs. Stone said that they obviously want the children safe. No excuse for snow. They have been there for two winters.

Kelly Bonachy, neighbor stated they moved there for the area and space.

Mrs. Stone stated they have five children and they would be able to store items in the barn that are now outside, equipment and toys. It would improve the area.

Chairman Tessier stated that it is 72 feet scale from house to road.

Brian Stone stated that he has really tried to make it fit, but it would be a financial hardship to move. He is here for the variance. The pad is there and they have spent considerable money.

Kevin Sharpe said that he had an approved permit and so then started the work.

Fred Hill stated he thought everything was okay. It is complicated.

Kevin Sharpe said his concern is that if we move forward, it would set a precedence for the Town. Get the site work done, then go for variance. If the 21 foot height was lowered, we could grant the set-back variance. The height is variable.

Brian Stone stated that the second floor, attic space with truss design. They don't have a basement for storage. It is a finished basement.

Chairman Tessier said that at some point, it won't match the house.

Fred Hill said there is no code to match the house. He thinks if he clips some corners off the room, it could be closer to 15 feet.

Kelly Bonachy, neighbor, stated that if it is for storage, they have four acres of land. They have an attached barn. They did know the size of the house when they bought the property. She feels they have quite a bit of space.

Mrs. Stone stated that they bought it two years ago and the plan was to build another structure. It was a fore closure. As for a shed, it won't help store the tractor, snow blower, etc. They park their vehicles in the attached garage.

Brian Stone stated that if it wasn't for the 10% slope, he could build elsewhere.

Mrs. Stone stated that the last thing they want to do is to make enemies. They thought it was a four foot variance. They are just looking to build on their property.

Chairman Tessier stated the Board has done a lot of set-backs. The rules are set forth, but the Board does have the ability to make it work. Each application and variance is unique to the each property.

Don Neugebauer stated he does appreciate the snow issues. If you moved to Pompey, then snow is what you get. He does have a question on the potential structure affect on what we have now. Does the Highway Superintendent have an opinion?

Chairman Tessier said that we could ask Tom.

Kelly Bonachy, neighbor stated that the spruce trees are now 50 feet. Ten years ago they we 10 feet. The trees increase the drifts of snow. She still has safety concerns. She would like to hear from Mr. Purcell regarding the snow drifts.

Don Neugebauer stated that he would like to hear more about the affect of the snow. Is it reasonable to ask if height stay closer to the 15 foot requirement? Five feet is not changing anything, he is not in favor asking to move the building five feet.

Chairman Tessier said that there are couple of things to do. The EEC form, and should we vote on area variance tonight? It is a single family residence, type 2 action. It requires no further action by the Board.

Motion by D. Tessier, seconded by K. Sharpe for the purpose of SEQR area variance for single family residence, type 2 action, no further action is required. All in favor. Passed.

Motion by D. Hale, seconded by D. Neugebauer to close the public hearing. All in favor. Passed.

Chairman Tessier stated that we need to vote to adjourn meeting until next month and have a separate request on amended application for the height request and to get a written statement from Town Highway Superintendent Tom Purcell.

Motion by D. Tessier, seconded by D. Neugebauer to continue the application at the July 31, 2017 meeting at 7:00 pm. All in favor. Passed.

Respectfully Submitted.

Darla M. Mawson, Secretary
Town of Pompey Zoning Board of Appeals

