

**TOWN OF POMPEY ZONING BOARD OF APPEALS MINUTES
AUGUST 13, 2018**

The Town of Pompey Zoning Board of Appeals meeting was held on Monday, August 13, 2018 at 7:00 pm at the Town Hall. Present were: Chairman David Tessier, Kevin Sharpe, Dave Hale, and Don Neugebauer. Also, Attorney Jeff Brown was present.

Chairman Tessier opened the meeting at 7:00 pm.

Chairman Tessier then read the application into the record. This is a Public Hearing for a variance for property located at 2224 and 2226 Ridge Road to reduce the frontage from one lot from 200' to 167' and reduce the other lot from 220' to 59'. Application is made by Ben and Julie Richardson.

2226 Ridge Road is (#027-01-25) is a landlocked parcel of land with no road frontage on Ridge Road which impairs owner's (Coppola) ability to sell 2226 Ridge Road. The landlocked parcel is improved with a single residence which is under contract to sell to applicant. Sole access to the parcel is over 2224 Ridge Road (#-27-01-24), also owned by Coppola.

Chairman Tessier stated that the owner should be signing the application for a variance. The owner of the property (Coppola) has given Attorney Julie Richardson permission to act as attorney for the variance application.

The Zoning Ordinance for the Town of Pompey requires 200 feet of road frontage. Lot #1 is land locked. The variance requested is for 2224 Ridge Road is frontage from 200 feet to 167 feet. The 2226 Ridge Road variance requested is from 200 feet to 51 feet.

Chairman Tessier has rounded to 167 feet and 50 feet. The Board can approve less, but not more. Map is dated July 2, 2018 by Christopher Land Surveying.

Chairman Tessier then read SOCPA remarks. There is no significant adverse inter-community or county-wide implications.

Don Neugebauer asked if the two lots are subdivided?

Chairman Tessier stated there is a line showing the two lots have been sub-divided.

Dave Hale stated that we denied this application five or six years ago. How did they get a permit to build the house?

Chairman Tessier stated that the garage was there, it has since been moved. Driveways still in front.

Julie Richardson stated there are two separate driveways, one for the front lot and one for

back lot. It is not an approved lot. She did call the county. She just received a letter from Terry Morgan, and said it does meet county regulations for site distance. He will be sending a letter to explain the steps required to get the driveway permit, but doesn't know if that means a wider driveway. It will be a separate driveway, feels there is room to do the second driveway. It is better not to have a shared driveway.

Chairman Tessier stated that it will go on to the Planning Board for the sub-division.

Julie Richardson said that they have four young children and have out grown their starter home. They have been looking for a larger home for two years.

Chairman Tessier stated that he talked to Julie six months ago and told her the history of this property. The Code Enforcement Officer suggested 50 feet for the driveway, but it got built on a land locked parcel.

As much as he doesn't like it, this is the best solution for the property.

The original house on Lot #2 was built in 1973, the total for both lots is 5.8 acres. Lot #1 has 4.6 acres and Lot #2 has 1.2 acres.

Attorney Jeff Brown asked applicants what is their contractual agreement?

Julie Richardson said they signed purchase offer contingent on getting approval. The Coppola's will have their own attorney for the closing.

Chairman Tessier said the size of pipe and ditch that needs to be installed, the County will order and will install. The pipe used to be 20 feet, but now is longer. The County approves the location, then a permit is issued for actual construction.

Chairman Tessier stated that SEQR (Short Environmental Review) for requested variance, this is a Type 2 action.

Motion by D. Neugebauer, seconded by K. Sharpe that the Zoning Board is the lead agency, this is a Type 2 action and therefore no further environmental action is required. All in favor.

Motion by D. Hale, seconded by K. Sharpe to open the public hearing. All in favor.

Marty Bays, 2208 Ridge Road stated that there have been seven or eight actions since 1948. How far down the hill is Coppola's house?

Chairman Tessier stated that the sub-division shows 331 feet from Ridge Road. You are buying the lot 350 feet from the road on north bounded by Coppola's and the neighbor to the north. Marty Bays lives to the south. He has no problem with this, but understands Coppola built the house.

Lot #2, the original house Marty's sister Marilyn Bays bought it from her parents. The lot is 350 feet deep, 200 feet wide. The 1 ½ acres boundary between Marty and Julie have no idea where the line is. The problem that Mr. Coppola caused with these two lots needs to be cleaned up. Marty has no problem with this. He lives south of the two lots.

Chairman Tessier suggested having a surveyor put in stakes.

Ron Pool, 2260 Ridge Road. He wondered about the comment Mr. Hale made about old issues and would like to know how the house was built. His understanding is that Mr. Coppola got a permit to build a new house and then would close the old house. Suddenly his house has lost his view and has lost thousands of dollars on what it is worth. He bought it 35 years ago. He has nothing against the Board, but the Town allowed them to build the second house and didn't live up to agreement.

How is it that this has happened to divide into two lots. He would like some answers. Why shouldn't he build a second house on his lot? We do have a Code Enforcement Officer. He did call when they were building the new house and were supposed to close the other house.

Chairman Tessier stated that he wished he had some answers. No, you cannot build two houses on one lot. None of us have a right to control the view.

Julie Richardson has a source that shows there were two lots when the second house was built.

Marty Bays said that the east side of Ridge Road was subdivided by his folks. When his sister Marilyn built her house (now Coppola's), it was subdivided again.

Don Neugebauer said the house was built in 2012, but it was land locked.

Chairman Tessier stated that he had the map from 2010.

Dave Hale stated that a building permit should not have been issued.

Chairman Tessier stated that he had the meeting minutes from 2010. He then read a portion of the minutes aloud. The minutes are for April 26, 2010 and was adjourned to May 24, but did not meet. We then continued the meeting to June 28, 2010, but it did not meet variance requirements and was denied.

Don Neugebauer said that the variance requested in 2010 was for 25 feet, but the variance was denied and the house was built anyway. We could make it better, but it will create a precedence.

Ben Richardson said that inspection is a condition of their contract. It does have electrical stickers.

Julie Richardson said that the reason there is no certificate of occupancy is that the decks are not completed. They did have a very thorough home inspection done. Plumbing and electrical stickers were provided. They did talk to Fred about the certificate of occupancy and generally the bank requires one before the final draw. They knew there were a lot of issues, but they have been looking for a larger house for two years.

Chairman Tessier said he knows there are two steps – ZBA and then the Planning Board for the driveway cut and need the certificate of occupancy.

Attorney Jeff Brown said there is no sub-division approval, so technically no certificate of occupancy. There has been no approval to create access to the site.

Chairman Tessier said the 2010 aerial shots show two lots..

Attorney Jeff Brown stated the permit was not signed, doesn't know how that happened. He would like to do some more research on the building permits.

Chairman Tessier said we still have an open hearing. What does the Board want to do? We need to move forward. We could adjourn.

Kevin Sharpe said we cannot hold Mr. Coppola responsible, he did have a permit. We need to move forward. Is there a way to go back and say Mr. Coppola had a building permit that was not signed?

Chairman Tessier said this will go to the Planning Board for sub-division approval. We should continue the hearing.

Don Neugebauer said he would still like to say yes. It would be good for the Town and for Ben and Julie. He is inclined to say yes. There were mistakes made. The Town did fall short. If it did fall through the cracks, the Town would be at fault.

Attorney Jeff Brown said yes, we should continue, but need to do some more research.

Julie Richardson said that they understand.

Chairman Tessier said that at this point, we are not sure where the mistake was made.

Motion by K. Sharpe, seconded by D. Hale to adjourn the public hearing to September 10, 2018 Zoning Board meeting at 7:00 pm to have more information on issues with the land locked parcel. All in favor.

Motion to adjourn by D. Hale, seconded by K. Coursen at 8:25 pm.

Respectfully Submitted,

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