

TOWN OF EAST BLOOMFIELD

Zoning Board of Appeals March 25, 2020

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

Absent:

Others Present: Kim Rayburn (Secretary), Jim Kier (Code Enforcement Officer), Anson Rogers (Applicant)

Meeting took place on Zoom, meeting was posted on the Town Website and the Front Door of the Town Hall. Meeting was previously posted in the local newspaper as well.

Babcock opened the meeting, Rayburn read the Public Hearing notice, the Public Hearing was opened.

I. TV1-20 Anson Rogers would like to apply for an Area Variance for an ag barn to be located on his ag land located at 3242 St Rt 64 S tax map # 95.00-1-18.000. He is asking for a 26 +/- variance from the 75 ft front setback.

Rayburn reviewed the neighbor notifications, 1 neighbor within two hundred (200) feet of the proposed project and that property is in foreclosure.

Babcock asked Rogers to explain his proposal, Rogers explained that he is asking to be twenty-six (26) feet closer to the lot line than required. There is a well house water and electric lines that prevent the structure from being moved further back. The slope of land is not conducive to that option as well. The purpose for the barn is for storage of grain and equipment. The location is very important for the business and the use of the existing driveways will help.

Torpey asked about the use of the structure will there be rain and any type of liquid? and she inquired about the foundation. Rogers explained it will be used for storage of grain and equipment, no liquid and it is a Morton building with a concrete floor.

Rogers stated that he feels the structure may help with the wind on the hill, Babcock asked if there was a plan to have any outside storage in front of the structure facing the road. Rogers stated there would not, no doors, only windows on that side.

Babcock asked for any further questions, Thorn asked how far back the current silos sit, it was determined that they are close to meeting the front setback, however the road had been widened. Thorn stated that the only reason he asked was to compare other structures in the area down St Rt 64. Torpey stated there are other structures that are closer. Babcock noted the house to the North sits only 10 to fifteen feet off of the right of way, however that was built before zoning and the widening of the road.

Babcock stated that there were structures in this location prior, Rogers stated they were removed in 2006. Babcock then stated that the proposed location of the structure is not suitable for farming and they won't be taking any farmland out of production.

Garlapow made a motion and Crocker seconded the motion to close the public hearing as there were no further comments.

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

1. Undesirable change to the neighborhood: The Board feels it does not alter the character of the neighborhood. This is an agricultural building in an Ag district. Also, there are other structures closer to the road in this area.
2. Alternative method: The Board feels that after reviewing the application the location is the most suitable for grain and equipment access and storage.
3. Substantiality: Thorn feels that that the request would be substantial if the structure were located somewhere else, however it meets the needs to achieve the desired result. Babcock stated that the structure will be 103 feet from the centerline of what would be allowed at 108 on a four (4) rod road that was not widened. The request is to site 48 +/- feet where 75 feet are required.
4. Impact on the environment: Does not have any impact on the environment.
5. Self-creation: The Board feels this is self-created, and if they ever want to build an addition onto the structure, they could not go closer to the road.

Babcock stated SEQR is a Type II with no further action required.

Babcock asked if we needed to give the public any further time of comment due to the meeting being online. Rayburn stated that the public hearing was in the newspaper the instructions to join this meeting were posted on the Town website and on the front door to the Town Hall. Anyone interested would have done so. Thorn stated that the open meeting requirements have been waived/granted by the government therefore we would not require additional public comment.

Babcock asked if there were any comments from the Planning Board or if the Town Board has passed a local Law stating it was no longer required, Rayburn stated that the Town Board is working on that and then she read the motion from Fink on the Planning Boards review from 3.19.2020. Fink motioned to forward to the Planning Board with no comments per the Association of Towns comments that Planning Boards operate separately than the Zoning Board of Appeals.

ZBA Decision:

Thorn made a motion and Torpey seconded the motion to approve the review of TV1-20 as discussed. Anson Rogers Area Variance for an ag barn to be located on his ag land located at 3242 St Rt 64 S tax map # 95.00-1-18.000. A 26 +/- variance from the 75 ft front setback.

1. Undesirable change to the neighborhood: The Board feels the request is not out of nature with the character of the neighborhood. This is an agricultural building in an Ag district. Also, there are other structures closer to the road in this area.
2. Alternative method: The Board feels that after reviewing the application the location is the most suitable for grain and equipment access and storage due to the terrain and proximity to the silos.
3. Substantiality: Thorn feels that that the request would be substantial if the structure were located somewhere else, however it meets the needs to achieve the desired result and there are structures as close or closer in this area. Babcock stated that the structure will be 103 feet from the centerline of what would be allowed at 108 on a four (4) rod road that was not widened. The request is to site 48 +/- feet where 75 feet are required.
4. Impact on the environment: Does not have any impact on the environment.
5. Self-creation: The Board feels this is self-created, and if they ever want to build an addition onto the structure, they could not go closer to the road.

Record of Vote:

Art Babcock Aye

Mark Thorn Aye

Sonja Torpey Aye

Rosemary Garlapow Aye

Tim Crocker Aye

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

II. Motions on minutes:

Minutes of September 25, 2019.

Garlapow stated a correction needs to be made to the 9/25/19 minutes regarding the 2nd motion on the minutes and the adjournment as she was not present at the 9/25/2019 meeting.

Thorn made a motion and Crocker seconded the motion to approve the minutes from September 25, 2019, with the discussed corrections. All Board members present voted Aye.

III. Meeting Adjourned

Garlapow made a motion and Crocker seconded the motion to close the meeting @ 8:20 pm. All Board members present voted aye, Vote was carried unanimously.

Respectfully submitted,

Kim Rayburn

Planning & Zoning Board Secretary