

# TOWN OF EAST BLOOMFIELD

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## Zoning Board of Appeals May 27, 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), Mark & sue Brassie (Applicant), Aric Lesperance (Applicant), John Johnson (Applicant).

**Meeting took place on a WebEx online meeting. It was posted on the Town Website and in the local newspaper as well.**

**Babcock opened the meeting@ 7:30 pm, Rayburn read the Public Hearing notice, the Public Hearing was opened.**

**I. Review #TNC1-20 for an Expansion to a non-conforming structure**, Owner **Mark Brassie**, property located at 7781 St Rtes. 5&20 tax map # 79.00-3-3.000 has applied to remove a 14 x 16 mud room, and add an 18 x 20 living Room with a second story bedroom.

Babcock asked Brassie to explain his proposal, Sue Brassie stated they removed the mudroom on the rear of the house as there was no foundation underneath it. They would like to expand the mudroom and then add a second story bedroom, as currently the house is only a 1 bedroom. Babcock stated that this is a pre-existing non-conforming structure, and the addition will not encroach on the non-conforming front setback.

Babcock asked for any comments from the public, there were none. He then made a motion to close the public hearing and Thorn seconded the motion, all Board members present voted Aye.

**Torpey made a motion and Thorn seconded the motion to declare SEQR an Type II no further action required, all Board members present voted Aye.**

**ZBA Decision:**

**Thorn made a motion and Crocker seconded the motion to approve the expansion proposed of an 18 x 20 Room with a second story bedroom on the rear of the non-conforming structure located at 7781 St Rtes. 5&20 tax map # 79.00-3-3.000 owned by Mark & Sue Brassie.**

**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. 7:45 pm Review #TV2-20 Area Variance for an accessory structure** that will be placed 284 +/- feet from the property line in the panhandle of a flag lot, Owner **Aric Lesperance**, property located at 7600 St Rtes. 5&20 tax map # 67.00-1-60.100.

**Rayburn read the Public Hearing notice; the Public Hearing was opened.**

The proposed will be the second accessory structure that will be erected in the panhandle of the lot. Lesperance stated that he recently purchased the property and the plan is to demolish the existing house and during this process he needs a place to store / stage equipment and supplies during the building process and also wants to separate the interior giving him a heated shop in the winter months.

Thorn asked Lesperance why the barn could not be located behind the existing home, Lesperance stated that the proposed location of the barn is the best location as there are elevation changes on the property that limit the location or cause him economic difficulties. The proposed barn will already be two hundred and eighty-four (284) feet from the road and the property drops off rather quickly behind the existing house. A lot of fill would need to be brought in and it would make the driveway even longer than it currently is. A discussion was held on the property and the placement of the barn. Thorn stated it would be cost prohibitive to put the barn behind the house.

Lesperance stated that the proposed location tucks down in a knoll and there are existing privacy shrubs towards the road. Thorn asked if the current structure could be seen from the road, Lesperance stated that currently no, in the winter months maybe.

Babcock stated that the current house was built around 1970 and it was before the property was zoned AR-2. He asked if Lesperance was going to use the same foundation when he takes the existing home down. Lesperance stated he is not. Babcock informed him that he will need to move the house further back a little bit out of the top of the panhandle as code states the house has to sit behind the two hundred and seventy-five (275) foot lot frontage line.

Babcock asked if the Planning Board reviewed the site plan for having an accessory structure in front of the house, Rayburn stated they approved the site plan contingent on the ZBA approval. The Board discussed the setback regulations and they can be met even within the panhandle of the flag lot the structure and will be more than what would be required if it was not a flag lot as the panhandle is much larger than the standard min sixty (60) foot wide. This panhandle is one hundred and seventy-eight (178) foot wide. Babcock discussed the reasons why there is a minimum of sixty (60) feet for a flag lot, its due to the fact that if the property in the back is a large parcel that could be subdivided further up to 4 lots each owner could own fifteen (15) feet to the road, give enough room for utilities and if the road needed to be dedicated to the town that's the minimum width it could be. Babcock also stated that the placement of the new barn may prohibit that in the future. Lesperance stated that is not his intention and again the property starts to slope up again if he were to move it closer to the east side and there are trees there, he would like to save.

Babcock discussed buffering, there is already buffering to the West by a hedgerow and the house on the west is closer to the road with woods behind them, also the West is a vacant lot owned by the County were a proposed ARC home was to be built, but the deal has halted twice. There is also existing buffering to the East.

Thon made a motion and Garlapow seconded the motion to close the public hearing, all Board members present voted Aye.

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 and will not be a detriment to the surrounding properties due to the existing buffering and placement of neighboring homes. Babcock wants to make sure Lesperance is aware that the property is for residential use only, the structure cannot be used for Commercial use, Lesperance stated he understands.
2. Alternative method: Thorn stated that the layout of the land adds difficulty and expense that is not cost effective, beyond what the applicant can achieve.
3. Substantiality: Torpey stated that the pole of the flag lot is not typical as it is 176 +/- feet and the structure would be well within the setbacks if this location was not within the pole.
4. Impact on the environment: Does not have any impact on the environment.
5. Self-creation: The Board feels this is self-created

Babcock stated SEQR is a Type II with no further action required, All Board members vote Aye.

**ZBA Decision:**

**Thorn made a motion and Garlapow seconded the motion to approve the review of TV2-20 as discussed. Area Variance for an accessory structure** that will be placed 284 +/- feet from the property line in the panhandle of a flag lot, Owner **Aric Lesperance**, property located at 7600 St Rtes. 5&20 tax map # 67.00-1-60.100.

1. Undesirable change to the neighborhood: The Board feels it does not alter the character of the neighborhood and will not be a detriment to the surrounding properties due to the existing buffering and placement of neighboring homes. Babcock wants to make sure Lesperance is aware that the property is for residential use only, the structure cannot be used for Commercial use, Lesperance stated he understands.
2. Alternative method: Thorn stated that the layout of the land adds difficulty and expense that is not cost effective, beyond what the applicant can achieve.
3. Substantiality: Torpey stated that the pole of the flag lot is not typical as it is 176 +/- feet and the structure would be well within the setbacks if this location was not within the pole.
4. Impact on the environment: Does not have any impact on the environment.
5. Self-creation: The Board feels this is self-created

**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.**

**III. 8:00 pm Review #TV3-20, Area Variance for an addition onto existing garage** that will be closer than the required 75-foot front setback. Owner **John Johnson**, property located at 3066-Wheeler Station Rd tax map # 81.00-1-86.300.

**Rayburn read the Public Hearing notice; the Public Hearing was opened.**

Johnsen explained that he has an existing pull off in front of his unattached garage that has been there for twenty-five (25) years that he uses for parking, he would like to add an addition so he can get his F-150 pick-up truck under cover. The right side is a leach field so he can't build that way. He is asking for a sixteen (16) feet into the seventy-five-foot front setback regulation. Which is approximately a twenty-one (21) percent variance. The house southwest corner is sixty-nine (69) feet from the road it was built in 1995.

Thorn asked if the other houses in the area sit the same distance or closer to the road than Johnsen's. Johnsen stated they are all about the same.

Thon made a motion and Garlapow seconded the motion to close the public hearing, all Board members present voted Aye.

Babcock stated SEQR is a Type II with no further action required, All Board members vote Aye.

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

The existing parking area is already being used, it does not create an undesirable change to the neighborhood and the location of the septic limits another location.

**ZBA Decision:**

**Thorn made a motion and Crocker seconded the motion to approve the review of TV3-20, Area Variance for an addition onto existing garage** that will be closer than the required 75-foot front setback. Owner **John Johnson**, property located at 3066-Wheeler Station Rd tax map # 81.00-1-86.300.

1. Undesirable change to the neighborhood: The Board feels it does not alter the character of the neighborhood and will not be a detriment to the surrounding properties due to the existing properties being in line with his.
2. Alternative method: The leach field location limits the location of the addition.
3. Substantiality: The Board feels the request is not substantial, as he is only requesting 16 feet into a 75 ft setback.
4. Impact on the environment: Does not have any impact on the environment.
5. Self-creation: The Board feels this is self-created

**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 March 25, 2020.**

**Thorn made a motion and Torpey seconded the motion to approve the minutes from March 25,2019. All Board members present voted Aye.**

**III. Meeting Adjourned**

**Torpey made a motion and Crocker seconded the motion to close the meeting @ 9:00 pm. All Board members present voted aye, Vote was carried unanimously.**

Respectfully submitted,

Kim Rayburn

Planning & Zoning Board Secretary