

TOWN OF EAST BLOOMFIELD

July 24, 2024

Zoning Board of Appeals Members Present: Art Babcock, Mark Thorn, Geoffrey Breeze, John Cavagnaro

Absent: Sonja Torpey, Tim Crocker,

Others Present: Kimberly Rayburn (Building and Zoning), Christel Daggett (Secretary), Lydia Archer (Applicant)

Babcock opened the Public Hearing at 6:30 PM

I. P/H Area Variance TV4-24, 135-81 Tourist homes; bed-and-breakfast establishments.

Owner Lydia Archer Property located at 3026 County Rd 40 Tax Map # 80.00-1-71.000.

To open a bed-and-breakfast out of her home, and she is requesting a variance for .8 acres where 2 acres are required.

Archer stated that she would like to open a Bed & Breakfast in her home. She raised her 6 children there and they have all grown and moved out. She added an addition onto the back of her home when her parents came to live with her. After her parents passed her daughter had a bus accident and came to live with her but has left. Archer stated she is the only one who lives there. It seems like the time to have a B&B and share some of the beauty of Bloomfield and the surrounding area with people.

Archer stated she likes to cook and would like to serve breakfast to her guests. Her daughter is a travel nurse and has stayed in plenty of B&B'S so she feels her knowledge will be helpful.

Archer stated that she has 1.2 acres of land and is requesting .8 for the 2 acres that are required for a Special Use Permit, that is why she is asking for a variance. Everything around her is agricultural except for her neighbor across the street. Archer supplied her neighbor letters that were requested and both neighbors are in favor of it. Her one neighbor owns a majority of the land around her, and Archer did approach him to see if he would sell her some of his property, but he would not.

Archer stated that her house caught on fire last March. Her house is 157 years old. The fire was caused by an electrical issue. The middle part of the house was damaged by smoke and electrical damage. The smoke went up in the middle of the house and went up the post beam and through the drywall making the entire house smell. Now the restoration is almost complete, and she should be able to move back sometime next month. She will be using the apartment in the back that her parents lived in for the Bed & Breakfast. She is not using the other part of the house as that is where she will be living.

Archer stated that the apartment has a bedroom, large living room, closet, bathroom, small kitchen area but with no oven or stove. Babcock asked Archer how many people would she have at the B&B? Archer thought maybe one or two couples possibly but most of the time just one couple or family. She would have extra bedding in case that was something needed.

Babcock asked if she had planned on renting it out as an apartment or month to month lease? Archer stated no, if anything maybe a short term. Archer stated that if she does not succeed with the B&B then she may consider letting a travel nurse stay for 3 months.

Thorn stated that would be different from the B&B category that they are currently talking about. Thorn read the definition of Bed-And -Breakfast from the Town Code Book.

BED-AND-BREAKFAST

Owner-occupied one-family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers, containing at least three but not more than five bedrooms for such lodgers
There was a brief discussion about the Bed-And-Breakfast of what it states in the Special Use Permit section.

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135-81 Tourist homes; bed-and-breakfast establishments.

The building proposed for occupancy as a tourist home/bed-and-breakfast shall contain no more than four lodging rooms for hire and shall not violate the New York State Uniform Fire Prevention and Building Code

Thorn stated that definition declares overnight accommodations but doesn't say duration. Babcock stated that if you wanted a 2-Unit Apartment or a 2-Unit House on one property it would still require 2 acres. He stated he knows they do it for family senior living arrangements and not for subletting for renters' long term in that zoning. Rayburn stated no.

Archer stated that the apartment isn't a full apartment because the kitchen does not have an oven or stove. There is a door into her house that she will need to put a privacy lock on. She believes it would be considered a Single-Family home. Rayburn stated that people will not be able to cook their own meals as there will not be a stove in the apartment.

Breeze asked what was in the room? Archer stated that it is set up to be handicap assessable. There is a ramp going up to it. When you go into the apartment there is a large living room, closet, bedroom, kitchen and bathroom.

Babcock asked Archer about well and septic. Archer stated that she is on a well and there is plenty of water. The only time she had a problem with it drying out was when she accidentally left a garden hose on overnight and within a couple of hours it came back on. Archer stated that her septic is old and does not know when the last inspection was but, she does not have any problems with any smell and has not seen anything that would make her believe otherwise. Babcock stated that he just wouldn't want to see her septic fail.

There were no further comments.

Thorn motioned Breeze seconded to close the Public Hearing All in favor Aye.

The Board started their review of the State mandated five (5) criteria tests.

1. **Undesirable change to the neighborhood:** The Board feels there is no undesirable change to the neighborhood other than an extra vehicle or two.
2. **Alternative method:** Other than purchasing 8/10 of an acre to make it a 2-acre lot would create hardship to do that.
3. **Substantiality:** Yes, .8 versus 1.2 is significant in size. Size wise it is close to the 50% threshold of an entire acre.
4. **Impact on the environment:** No additional impact
5. **Self-creation:** Yes, it is always self- created

Babcock declared SEQR a Type II with no further action required.

Thorn motioned Breeze seconded to grant the variances requested for .8 acres where 2 acres are required.

Whereas:

1. There is no undesirable change to the neighborhood.
2. No workable alternative method.
3. Substantially in area ,it is fairly large but as far as the use versus the way the property was used there is no substantiality issue.
4. There is no impact on the environment.
5. Yes, it is self-created.

Record of Vote:

**Babcock Aye Thorn Aye Breeze Aye Cavagnaro Aye
All Board members present voted Aye, Vote was carried unanimously**

II. Discussion:

There was a brief discussion on looking through the code book and definitions for possible clarification and changes to the code.

III. Meeting Adjourned

Thorn motioned and Breeze seconded to adjourn at 7:30 pm. All Board Members present vote Aye. Votes were carried.

Respectfully submitted,

Christel Daggett

Planning & Zoning Board Secretary