

TOWN OF EAST BLOOMFIELD

August 25, 2021

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

Others Present: Kimberly Rayburn (Secretary), James Kier (Building & Zoning), Terri & Mackenzie Henderson (Applicant).

Babcock opened the meeting at 7:00 pm with the Pledge of Allegiance. The Board opened the public hearing and waived the reading of the hearing.

I. # TNC3-21 / expansion to a preexisting non-conforming structure that does not meet the front setback, the addition will be on the south rear of the existing home. Property owned by Kevin & Brenda Wyand located at 2875 Rt 444.

Wyand addressed the Board, he stated he has owned the property since 2004. There was an existing garage structure but it was unsafe and falling down. It was in a location on the property that floods. He would like to place this garage to the right of his home and connect the two. Larry Reynolds will be doing the excavating; he will sub out the masonry and he will build the garage himself. It will be a block foundation, with a heated mudroom and a crawl space. Babcock discussed the existing swale behind the house. Wyand stated that he had to put in a 48-inch pipe that goes by his shed to get rid of water on the property. The Board discussed the elevation and slope. Both are ok, he will install a perforated pipe to empty into the yard. It will not go to the ditch as he does not want to make the situation worse. He also cleans out the ditch himself to make sure the water flows freely. A brief discussion was held on the septic. It pumps up hill, it has a septic tank, a holding tank then pumps to his leach field. In his letter of intent, he also mentioned he has obtained the permissions to have a second driveway entrance installed for safety. He will have a horseshoe driveway.

Babcock asked if there were any further questions or concerns. There were none.

Babcock motioned and Thorn seconded to close the public hearing. All Board members present voted Aye. Vote was carried unanimously.

Thorn motioned and Babcock seconded to declare SEQR a Type II action with no further action required. All Board members present voted Aye. Vote was carried unanimously.

The Board then reviewed the criteria from section 135-33 Expansion of nonconforming uses and/or structures.

Thorn stated that the proposed matches well with the neighborhood and is not out of character. He then added it seems out of character not to have a garage. The Board agreed.

Torpey does not think screening is necessary, Garlapow agreed and stated that the addition will be in architectural harmony. The siding and roof will match the existing home. The Board agreed.

Thorn and Torpey stated that Wyand has improved the parking and safety by reconfiguring the driveway and adding a second point of entry and exit so he will not have to back out onto State Rt 444. The Board agreed. Babcock asked if the driveway would be paved. Wyand stated it would be, but not this year.

The Board does not feel conditions are necessary after hearing the proposal.

Babcock asked for any further discussion there was none.

Thorn motioned and Babcock seconded to grant the expansion to a nonconforming structure. # TNC3-21
The addition will be on the south rear of the existing home. Property owned by Kevin & Brenda Wyand located at 2875 Rt 444.

Whereas:

1. The proposed has met the standards required
2. As presented and discussed in the minutes

Record of Vote:

Babcock Aye Thorn Aye Garlapow Aye Crocker Aye Torpey Aye
All Board members present voted Aye, Vote was carried unanimously.

II. # TN4-21 / expansion to a preexisting nonconforming structure that does not meet the front setback, the carport will be on the south west rear of the existing home and also a lean to roof on the south east running the length of the home. Property owned by Mary Jane Ramirez located at 2194 St Rt 64 N.

Ezzy Ramirez, Mary Janes Husband came to the meeting. They wish to cover an existing concrete pad with a lean to structure that runs the length of the home on the left side. They also wish to erect a carport on the rear of the house. The house itself sits approximately 19.04 feet from the side lot line. The code states they need fifty (50) feet for both the side and rear setbacks.

The Board stated that the lean-to structure on the left side of the home does not make the house any more nonconforming than it is now. The Board looked at the map provided. A discussion was held on distance from house to lot lines in the rear and on the side. It was discussed if the car port was not attached to the house, it would then require a variance. Babcock stated that the corner of the proposed car port would be approximately less than ten (10) feet to a property line where fifty (50) is required. He also stated that with an expansion to a nonconforming structure neighbor notifications are not required, and this proposal is only approximate. The actual distance and lot lines are unknown. The Board asked about the trailer/mobile home on the lot. Babcock stated that at one time this parcel was part of White Farms, it was subdivided off and the farm trailer was on the parcel.

Ramirez stated that he can not locate the survey. Babcock stated there is not a survey on file as its not on Oncon. Babcock asked the Board if a survey could be presented would it help the board in making a decision? Torpey stated that it would clarify the lot lines. Thorn stated it would be helpful as the Board is being asked to make a decision on making a already nonconforming structure even more nonconforming. Garlapow stated that a survey would confirm the property line for the review of the carport, but its unnecessary for the lean to on the left side of the house.

The Board feels that they would feel more comfortable having a survey that shows the house proximity to the lot line in order to make a decision on the carport.

A discussion was held on the Boards and the applicants' options.

1. Approve part of the request and ask the applicant to comeback in the future for the carport after a survey has been obtained.
2. Keep the proposal together and vote on it as a whole.

Ramirez thinks he has more property than what is shown on the map. He would like the lean to vote now, and will wait on the carport if the Board feels that is necessary.

Thorn motioned and Garlapow seconded to split the lean-to portion of the request from the carport on the rear. Based on the standards discussed, he has met the standards for an expansion to a nonconforming structure for the lean-to.

Whereas:

1. The carport will be brought back within six (6) months with a survey that shows the distance from the house to the property line. Otherwise, the application will expire and a new application will be required.

Record of Vote:

Babcock **Aye** Thorn **Aye** Garlapow **Aye** Crocker **Aye** Torpey **Aye**
All Board members present voted Aye, Vote was carried unanimously.

Thorn motioned and Babcock seconded that the lean-to be approved as discussed in the minutes and the review of the conditions of approval below.

Whereas:

1. The concrete pad is existing, they now wish to put a roof over it.
2. Screening is not necessary
3. The parking will not be altered
4. There are no further conditions.

Record of Vote:

Babcock **Aye** Thorn **Aye** Garlapow **Aye** Crocker **Aye** Torpey **Aye**
All Board members present voted Aye, Vote was carried unanimously.

II. Discussion:

A brief discussion was held regarding possible requests for review, and code regulations.

Thorn motioned and Garlapow seconded to adjourned at 9:00 pm. All Board Members present vote Aye. Vote was carried unanimously.

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary