

TOWN OF EAST BLOOMFIELD

Planning Board Minutes November 19, 2015

Planning Board Members Present: Brad Bennett, Julie Pellett, Karl W. Smith, Kip Jugle, Daniel Compton, Francis Overmoyer, and Matthew Rogers.

Others Present: Andy Hall (Code Enforcement Officer), Kim Rayburn (Secretary), Jeremy Years (Surveyor), Stephen and Alissa Hawkins, and Jeff Pritchard.

Bennett opened the meeting at 7:30 pm

- I. TS7-15 Waiver of subdivision for ag land, St Rt 64 N, Owner White's Whim, LLC** original tax map # of 52.00-3-23.100, taking 38.559 ± acres of Ag land of original parcel of 62.10 ± leaving approx. 22 ± and a Lot line adjustment for the east side of the property to annex 1.576 into existing lot of 66.00-3-1.200 Stephen Hawkins.

Bennett started to explain the proposal and Years stated he is the surveyor and asked if the Board would like him to give them an overview, Bennett stated they would. Years explained that White wanted to remove the Ag land from his property but keep the wooded area in the back for himself. The two lots would then become flag lots as they would have less than the required road frontage for a standard lot. The remaining wooded parcel that White is retaining is on the Town Line of West Bloomfield, White owns a 27 acre parcel in the Town of West Bloomfield as well. The lots have separate tax map numbers. Hall stated that the West Bloomfield Planning Board was informed of the proposal and sent back comments that they have no issues with the proposed as the proposal is not creating a land locked parcel in the Town of West Bloomfield. Rogers stated that he has an agreement with White to buy the Ag land so he will abstain from voting. Years then explained the parcel line adjustment as stated above, Hawkins has an existing corner lot that has 20 x 40 roofed structure on it and he would like more of a buffer to his lot line therefore he is purchasing approximately an acre and a half from White. Years informed Hawkins the deed will need to be updated before the maps are filled with the County.

A brief discussion was held and Bennett asked if there were any further comments or concerns, there were none. Jugle made a motion and Pellett seconded the motion to declare SEQR an Unlisted Action, Negative Declaration, Motion carried.

Planning Board Decision:

Smith made the motion and Bennett seconded the motion to approve Waiver of subdivision- TS7-15 Waiver of subdivision for ag land, St Rt 64 N, Owner White's Whim, LLC original tax map # of 52.00-3-23.100, of 62.10 ±, separating 38.559 ± acres of Ag land off of original parcel leaving approx. 22 ± acres of remaining lands.

Whereas:

1. The maps are accepted as submitted for Waiver of Subdivision, Land Transfer only.

Record of Vote:

Brad Bennett	Aye		
Julie Pellett	Aye	Karl W. Smith	Aye
Kip Jugle	Aye	Francis Overmoyer	Aye
Dan Compton	Aye	Matthew Rogers	abstained

All Board members present voted aye, with the exception of Rogers. Vote was carried.

Planning Board Decision:

Jugle made the motion and Smith seconded the motion to approve Parcel line Adjustment TS7-15 St Rt 64 N, Owner White's Whim, LLC original tax map # of 52.00-3-23.100, of 62.10 ±, a Lot line adjustment for the east side of the property to annex 1.576 ± into existing lot tax map #66.00-3-1.200 owned by Stephen Hawkins.

Whereas:

1. The maps are accepted as submitted for parcel line adjustment, Land Transfer only
2. The 1.576 + acres will be incorporated into tax map # 66.00-3-1.200, no new lots are being created

Record of Vote:

Brad Bennett	Aye		
Julie Pellett	Aye	Karl W. Smith	Aye
Kip Jugle	Aye	Francis Overmoyer	Aye
Dan Compton	Aye	Matthew Rogers	abstained

All Board members present voted aye, with the exception of Rogers. Vote was carried.

II. Revision to driveway placement for Special Use Permit TSP3-14 Gerald Sullivan 2646 St Rt 64 N Bloomfield NY 14469 67.00-1-51.111 tax map # 80.00-1-42.111

Bennett wanted to update all the Board members on the situation. He stated that Sullivan allowed Woodtex sheds to operate a business for the sale of prefab sheds on his property for many years by the approval of the Code Enforcement Officer at the time, however the Board felt that he required a Special Use Permit and there were some issues with some of the sheds being too close to the State right of way. Greg Trost from the State DOT also had some concerns about vehicles parking on 5&20 when looking at the sheds and wanted Sullivan to install a driveway into the property. Sullivan then obtained a SUP and approval for a driveway off of 5 &20 as Trost has requested. Sullivan then provided pictures and proof of an existing driveway access point off of Rt 64 N and received approval from Trost for that entrance; he has completed some upgrades to the driveway and a turnaround area so vehicles do not have to back out onto 64N. Hall stated that he wanted Sullivan to put in no parking signs on 5 &20 and feels that the parking on the side of the road issue has been taken care of and the DOT is happy that the mud and stones are not being carried out onto 5&20. Compton is uncomfortable with the driveway being on 64 N, as he feels that it is not safe. Bennett stated that the Board would like to amend the SUP to be accurate with the parking conditions on the property as the previous map shows the driveway off of 5&20, not Rt 64 N.

Smith made the motion and Pellett seconded the motion to amend Special Use Permit TSP3-14 for Gerald Sullivan 2646 St Rt 64 N Bloomfield NY 14469 67.00-1-51.111 tax map # 80.00-1-42.111 to eliminate the access to the property from 5 &20 previously approved, and to utilize the existing State installed curb cut as the driveway on State Rt 64 N as shown in the provided pictures.

Record of Vote:

Brad Bennett	Aye		
Julie Pellett	Aye	Karl W. Smith	Aye
Kip Jugle	Aye	Francis Overmoyer	Aye
Dan Compton	Nay	Matthew Rogers	Aye

All Board members present voted aye, with the exception of Compton. Vote was carried.

III. TV2-15 Area Variance Jeff & Janet Pritchard 2596 Rabbit Run tax map # 67.03-1-7.100 AV to erect a 14 x 20 Three (3) season room, addition on south side of SF home. 16 ft Variance to side lot line will have 34 feet were 50 is required. Per Schedule I.

Bennett stated that Pritchard had shown up late to the meeting, the Board has a chance to review the application and they have some questions and concerns regarding his proposal, specifically the placement and configuration. Bennett asked Pritchard if he had looked into other options to minimize the relief sought. Prichard stated that the original plan was to look into erecting a screened in porch off of the deck on the back of the house. It turned out to be not a good plan due to the angle of the deck and the angle of the roof line it was going to be too expensive. There is a bump out sitting room on the back of the house, that is south and east facing looking into the woods, it's a nice place to sit and relax and he would not like to ruin that, also they are planning on installing a hot tub and they would then have to walk through the house to get to the laundry area. He stated that the proposal is south facing so it can get sunlight to maximize the solar gain as it is going to be an unheated room. Prichard also stated that any other configuration on that side of the house will require a variance; Compton stated that part of the Variance process is to consider the amount of the Variance to see if it can be reduced in any way. Pritchard stated he thought of the turning the room to run it alongside the house but there are two issues with that plan. The first issue is that it would cover up one of the bedroom windows, and the second issue is that the septic tank is on that side of the house, and he does not want to have to move the septic tank. Compton stated that turning the addition would still require a Variance and Overmoyer stated it could cause structural issues in terms of the close proximity to the septic tank. Overmoyer stated that he feels that Pritchard could extend the sitting room out with a screened in porch as the walls are relatively transparent, and they would still get the views. He stated it's a reasonable extension of the sitting room. Compton stated that Pritchard had covered the reasons and added it would ruin the space and how they use their house right now. Hall stated that the leach lines run along the back somewhere so he would need to be careful how close he gets to those. Bennett stated he should have that on the map. Pritchard provided the Board with as-built of the septic for their review. Smith asked Hall about the regulations for covering up a window for egress and natural sunlight; Hall stated there has to be a certain amount of natural sunlight and ventilation he would have to look at that, however he would still be encroaching on the ten (10) foot buffer between the septic tank and the foundation.

Prichard stated that it is his understanding that if he makes this a freestanding structure not attached to the house he can build it without a Variance, as the setback for an accessory structure is different that a primary structure. However he does not want to do that as one of the benefits to having it attached to the house is he would like to walk from the hot tub to the laundry area without shoveling snow. He hired an architect and made sure it would look nice and match the house.

Jugle stated on the application Pritchard stated that this was not a self- created hardship; however this is self –created. Pritchard stated he had some trouble with how to answer that question.

Overmoyer asked Pritchard why it would be so expensive to cover his patio with a roof, Pritchard stated that he had an estimate for a screed in aluminum type structure and they told him that a roof would need to be built over it due to the angles of the deck and house as they did not have an aluminum structure that would work there. They would have to change the substructure among other things and it turned out to be a 30,000 project for just a screened in porch. That seemed really high for what he would end up with.

Overmoyer stated that the proposal will require some money as well; he feels that there are other alternatives that could be explored without costing too much money and that would not require a Variance. Pritchard stated that he has a sliding glass door coming off the sitting room onto the deck so without having to shovel snow by erecting an unattached structure out back or remove the deck to utilize the sliding glass door, he does not see another cost effective and a better entrance option. Compton stated he agrees with Pritchard that it does not make sense to spend 30,000 on a screened in porch if you can spend 40,000 on usable square footage. Pritchard stated that the proposal would become a three (3) season room as they have always wanted a hot tub the placement for this is perfect as you would be entering the house into the laundry area. Compton stated he has given the Board some compelling reasons for the proposal and the Board needs to act on this as proposed so they can send a recommendation to the Zoning Board. Hall stated that he can build this structure one (1) foot away from his house and still be compliant for an accessory structure; the Variance would make it look more appealing and make it more accessible from the house. Jugle stated he would rather have it attached than separated from the house.

Planning Board Decision:

Smith made the motion and Pellett seconded the motion to forward Area Variance # TV2-15 to the Zoning Board of Appeals with a recommendation for approval based on the details in the minutes.

Applicant Jeff and Janet Pritchard to erect a 14 x 20 Three (3) season room, addition on south side of SF home. 16 ft Variance to side lot line will have 34 feet were 50 is required.

Per Schedule I.

Whereas:

1. If the structure was detached even by 1 foot, it could be closer to the lot line than the proposed Variance
3. The look of the structure has been kept with the harmony of the house, and an unattached structure may not.
4. The homeowners will have access into the house from the structure and the placement seems to be the best location for the proposed based on the reasons listed in the minutes.

Record of Vote:

Brad Bennett	Aye		
Julie Pellett	Aye	Karl W. Smith	Aye
Kip Jugle	Aye	Francis Overmoyer	Nay
Dan Compton	Aye	Matthew Rogers	Aye

All Board members present voted aye, with the exception of Overmoyer. Vote was carried.

IV. Discussion:

Jugle wanted to discuss the email the Board received regarding a tiny house on wheels. An interested party requested the following information, what are our town's regulations on year-round living in a tiny house on wheels of 150 to 400 sq. ft. on her own property and secondly, on creating an area on that property of 4-5 tiny homes as rentals for people who are interested in the trend to stay for a weekend or week to see if they like the concept.

The Board stated that the tiny home is just an RV and that is what it is called on the website she provided. Jugle stated that if you park an RV on a lot where there is not a primary residence than it is a campground. Therefore this proposal would be considered a camp ground and 25 acres would be required with an approved Special Use Permit granted by the Planning Board in the AR-2 District. These tiny homes do not meet the state size requirement to be considered a residence.

The Board held a discussion on the Singer property as he has re-opened his used car sales lot and has erected a metal structure over the slab and has begun working on vehicles once again. He is in violation of his original Special Use Permit once again for an additional structure without site plan approval and working on vehicles in an unenclosed structure. Hall wanted Singer to come before the Planning Board with a new site plan for the structure and with the documentation that the Planning Board requested from Singer at the last meeting with Singer so they can deal with the issues or concerns at that time. Bennett stated that section 135-52 General Provisions states: *The Code Enforcement Officer shall make an on-site visit to each property authorized as a special use not less than one time each year. The purpose of said site visit is to ensure that the use is being operated in accord with the conditions specified by the Planning Board. If the Code Enforcement Officer shall determine that a violation of this chapter or the conditions imposed by the Planning Board exists, the certificate of occupancy and/or certificate of compliance shall be null and void. A new special use permit application shall be required to be submitted and approved prior to the reestablishment of said use.* A discussion was held and it was agreed that the Planning Board cannot amend a SUP that is in Violation therefore Singer's SUP will have to be null and void and he will have to apply for a new special use permit.

A brief discussion was held on the Special Use Permit for Steele, he is in violation of his original SUP as well. Lights were installed on the property that were not approved in the original application, Steele was asked to come in front of the Planning Board to amend his SUP, he came with a different plan and a map that was unacceptable to the Board. Steele was supposed to come back but never did, he was sent multiple reminders and he received a letter from the Town Board replying to a letter he sent to them that stated he needs to comply. Action will need to be taken on this permit as well.

III. Minutes of October 1, 2015

**Overmoyer made a motion and Smith seconded the motion to approve the minutes of October 1, 2015
All Board members present voted aye, Vote was carried unanimously.**

IV. Meeting Adjourned

**Smith made a motion and Bennett seconded the motion to close the meeting @ 9:30 pm.
All Board members present voted aye, Vote was carried unanimously.**

Respectfully submitted,



Kimberly Rayburn
Planning & Zoning Board Secretary