

ZONING BOARD OF APPEALS
September 27, 2011

PRESENT: Charles Dahlquist
Donald Jablonski
Michael Bartus
Frank Loiars
Tim Lederhaus, Chairman
Kevin Roth, Alternate

ALSO PRESENT: Brian Belson, Senior Building Inspector
Jane Trombley, Secretary
Daniel Seaman, Town Attorney

The September 27, 2011 Zoning Board of Appeals meeting was called to order at 7:00 pm by Chairman Lederhaus, who then led the Pledge of Allegiance.

Chairman Lederhaus noted all members are present.

MOTION made by Member Dahlquist, seconded by Member Bartus to approve the August 23, 2011 minutes. 5 Ayes, 0 Nays, Carried.

CASE #1 **4060 Lake Avenue – SBL #81.00-3-6.2 – JR2 Enterprises, LLC** – Returning to request an area variance to install an additional free standing sign exceeding the permitted square footage.

MOTION made by Member Loiars, seconded by Member Jablonski to table the application at the request of the applicant. 5 Ayes, 0 Nays, Carried.

CASE #2 **6529 Slayton Settlement Road – SBL #95.02-1-28 – Arthur & Joanne Ritter** – Requesting an area variance to construct a 40 x 40' pole barn in an R1 district, accessory structures shall not contain more than one-third the square footage of the principal structure. Arthur Ritter stated he needs room for storage of a camper.

Chairman Lederhaus opened the Public Hearing.

Chairman Lederhaus asked about the pole barn. Mr. Ritter stated it will have gutters, no plumbing or heat and be 16' with a peaked roof. Chairman Lederhaus asked which way the door will face. Mr. Ritter stated he would like it to be placed diagonally with drive through doors.

Member Loiars asked if he is going to remove the two existing buildings and Mr. Ritter stated the shed will be removed. He will keep the original garage which is the building closest to the house and is the only garage on the property.

Member Loiars asked if he had cut the tree down and Mr. Ritter stated yes, but he will need to cut 7 more.

Chairman Lederhaus asked if there will be a stone floor and Mr. Ritter stated stone this year, concrete next year.

Member Jablonski asked if this is going to be for a business and Mr. Ritter stated no.

Chairman Lederhaus asked if there will be landscaping and Mr. Ritter stated yes.

Town Attorney Seaman asked Mr. Ritter what the setback for his home is and Mr. Ritter stated he believes it is 80' from Slayton Settlement and 150' from Lake Avenue. Chairman Lederhaus told Mr. Ritter his pole barn can't be closer to the road than his home and Mr. Ritter stated he understands that.

Member Loiars asked if the neighbor to the back is aware and Mr. Ritter stated yes, but the neighbor no longer lives there he is living with his daughter, and he has spoken to the daughter and they don't have any objections.

Member Jablonski asked what the color will be and Mr. Ritter stated tan with brown trim.

Town Attorney Seaman asked about the lot to the west of the property and Senior Building Inspector Belson stated the lot to the west has already been combined with the other 2 lots to make 1 larger parcel. The tax map submitted established that the contingent parcels established a very large lot which can accommodate a larger accessory building. Further, the pole barn will not be near any residences, is located on a parcel at the intersection of two major roads which will not be likely to be further subdivided.

Chairman Lederhaus asked for Public Comment. Hearing none, Chairman Lederhaus closed the Public Hearing.

MOTION made by Member Loiars, seconded by Member Jablonski to grant an area variance to Arthur & Joanne Ritter at 6529 Slayton Settlement Road to construct a 40 x 40' pole barn in an R1 district based on:

1. The requested variance will not create an undesirable change in the character of the neighborhood;
2. The benefit sought by the applicant cannot be achieved by any other feasible method;

3. The requested area variance is not substantial because of the size and location of the lot, and the nature of the neighborhood and because an existing shed will be removed, reducing existing storage space;
 4. The proposed variance will not have an adverse effect on the environmental conditions in the neighborhood; and
 5. The difficulty was not self-created.
- 4 Ayes, 1 Nay (Member Dahlquist), Carried.

CASE #3 **5612 Keck Road – SBL #124.04-2-23 – Kim Harrington** – Requesting an area variance to construct a 12 x 16’ enclosed porch approximately 33’ from the rear property line, the required rear set back is 50’ in an R1 district. Donald Harrington presenting for his wife, Kim. Mr. Harrington stated the home was built in 1994 and they would like to enclose the porch.

Chairman Lederhaus opened the Public Hearing.

Member Loiars asked if there will be a roof on it and Mr. Harrington stated yes.

Member Jablonski asked if they are enclosing what is there and Mr. Harrington stated no, they will take down what is there and build it back up with a better foundation, walls and a roof, it will match the home and have windows and gutters.

Member Loiars asked if he has spoken to the neighbors and Mr. Harrington stated yes, they have no objections and Mike Putnam is the neighbor in back.

Chairman Lederhaus asked for Public Comment, hearing none, he closed the Public Hearing.

MOTION made by Member Jablonski, seconded by Member Bartus to grant an area variance to Kim Harrington at 5612 Keck Road to enclose a porch approximately 33’ from the property line where the required set back is 50’ in an R1 zone based on the following findings:

1. The requested area variance will not produce an undesirable change in the character of the neighborhood;
 2. The benefit sought by the applicant cannot be achieved by any other feasible method;
 3. The requested area variance is not substantial;
 4. The proposed variance will not have an adverse effect on the environmental conditions in the neighborhood; and
 5. The difficulty was not self-created.
- 5 Ayes, 0 Nays, Carried.

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The next Zoning Board of Appeals meeting will be October 25, 2011 at 7:00 pm.

MOTION made by Member Bartus, seconded by Member Dahlquist to adjourn. 5 Ayes, 0 Nays, Carried.