

ZONING BOARD OF APPEALS MEETING

June 18, 2015

6:00PM

The meeting was called to order by Chairman Bill Gabak at 6:00PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

William Gabak, Chairman
Phil DelloStritto
Kathy Taylor
Neal VanLiew
Joe Flaherty, Absent

Also in attendance: Don Bowen, Zoning Inspector
Harry & Terry Lang
Mike Sawran

Kathy Taylor made a motion to approve the minutes of May 20, 2015 as presented by ZBA Clerk, Cindy Schiminske, seconded by Chairman Gabak. Approved AYES 4-0.

The purpose of this meeting was to hear the following requests:

1. **HARRY LANG, 5789 WEST LAKE ROAD, Tax Map #130.04-1-12** is requesting a side yard variance of 10 ft from the required 20 ft and a rear yard variance of 20 ft from the required 30 ft for the placement of a 10' x 16' storage shed. Ref. Town of Fleming Zoning Code: Bulk & Use Table Lakeshore District.

Chairman Gabak first wanted to point out that the paperwork was incorrectly submitted in that the Langs requested a 20 ft rear yard variance on the application but the survey map showed a 10 ft rear variance. After discussion with the Langs, it was determined that the application listed the wrong distance of 20 ft. The Langs were seeking a 10' ft rear variance.

Chairman Gabak made a motion to change the variance request from 20 ft to 10 ft on the rear yard, seconded by Kathy Taylor. Roll call vote was taken by the Board.

MOTION APPROVED TO CHANGE VARIANCE REQUEST 4 AYES 0 NAYS

Mr. Lang explained that he would like to place a 10' x 16' storage shed on his property. The shed will be placed on stone, not cement and will match the house. The company will be prebuilding the walls and floor and they will put it together in his backyard. He wasn't able to get the shed completely prebuilt and delivered due to the slope of his front yard.

Chairman Gabak asked the Board if any of them had a problem with the five factors that they look at for an area variance: whether undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties; whether the benefit sought by applicant can be achieved by a feasible alternative to the variance; whether the variance is substantial; would it have an adverse impact on the physical or environmental conditions in the neighborhood and whether the alleged difficulty was self-created. The Board answered No to each of the five factors.

A motion was made by Chairman Gabak to vote on this request and seconded by Neal VanLiew. Roll call vote was taken by the Board.

MOTION APPROVED 4 AYES 0 NAYS

2. **MICHAEL SAWRAN, 4796 WEST LAKE ROAD, Tax Map # 144.00-1-15.413**, is proposing to construct a replacement dwelling and is requesting a front and rear yard area variance (Bulk and Use Table Lakeshore District) plus a variance to the requirements of Article 9-2A(2) that limits the increase in volume of the proposed dwelling to 25% greater than the existing dwelling.

Mr. Sawran reviewed the Site Plan with the Board Members. He would like to build a 2 story home with walk out basement on the property. The current building is 29½ ft in length and he plans on adding approximately 2½ more feet to total 32 ft. He also plans on adding 10' to the depth of the proposed dwelling, from 22' to 32'. The garage will be in the walk-out basement. The deck will remain. From ground level (basement) to peak, it will not be more than 35 feet. He will be about 9ft away from the edge of the state right of way (not the road). He is not going into the bank at all except for the one extension. It is 10' to where the bank starts. He is leaving foliage so it won't really be seen from the road. As far as water runoff, there will be a retaining wall to catch all the water from the driveway so it doesn't flow into the lake. It's going to seep down into the ground before it goes into the lake. They also plan on putting in a solar heated concrete driveway so they don't have to use salt or chemicals on it.

Mr. Sawran stated that the Cayuga County Health Dept has specifically said that a portion of the lot across the road, owned by him, will need to be annexed to this property for the construction of the septic system. They will not issue a permit until and unless that is completed. Mr. Sawran will need to subdivide the lot, as he only plans on merging 6070 for the septic and eventually selling the remainder of the lot to his daughter. He was advised that this may need to go to the Planning Board for subdivision approval.

The house has a footprint of 1344 sq ft. The area of the lot & septic is 15820 sq ft. The square footage of the driveway is 736 sq ft. There is also a 20' x 30' parking area comprising 600 sq ft. If you take the house footprint of 1344, the driveway of 736 and the parking area of 600, it totals 2680, for the purpose of trying to show the impervious surface of 25%-75% as far as coverage. The septic system doesn't count as impervious. The 2680 is the footprint on the 9750 sq ft lot. The 9750 footprint on the house plus 6070 footprint they are adding for the septic is 15,820 for the total area. 25% of 15,820 is 3,955. He is going to be covering up 2680 so he is not encroaching on the 25% coverage.

Mr. Bowen explained that Real property Services shows the property to be 8300 sq ft. The dimensions are 40' on one side, 65' on the other and 194 across, so it's not square. If you take 8300 and add 6070, it equals 14,370, which is the total square footage of the lot. 25% of that is 3593 and he is at 2680, so he doesn't exceed the 15% coverage by adding in the property across the road. If you don't count the land across the road, it is more than 25%. If the land across the road is attached, you would have to count it as one parcel.

A statement from the Army Corps of Engineers states that as long as Mr. Sawran stays above the established Ordinary High Water elevation of 713.6 for Owasco Lake with any excavation, he does

not need a permit. Mr. Sawran does not plan to excavate. He also needs to stay above the 719' flood level. The finished floor elevation of the basement/garage is 722', which is above the floodplain. NYSDOT has no objections to the construction as long as it is entirely off the highway right of way and he adheres to the conditions set forth in their letter of September 20, 2011. Mr. Sawran did receive an extension to that letter from NYSDOT.

Chairman Gabak asked the Board whether they had any questions or comments on the variances or on the five factors that they look at for an area variance . They did not. Chairman Gabak made a motion to vote on this request, seconded by Neal VanLiew. Roll call vote was taken by the Board

MOTION APPROVED 4 AYES 0 NAYS

Chairman Gabak summarized the approval as follows: Rear yard area variance will be 9' from the edge of NYSROW and the front yard variance will be 9.2' from the lakeshore. This approval is also restrictive to DEC letter, stipulation by NYSDOT, stipulation by Cayuga County Health Dept and that he follows the state's high water mark, as it is a flood zone, of 719' or higher. This approval is contingent upon the property across the street being annexed to this property for the placement of the septic system. Once that has been completed, all the rest of the variances will go into effect. The Board concurred.

Motion to adjourn made by Chairman Gabak, and seconded by Kathy Taylor. All in favor. Time was 6:55 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals