

ZONING BOARD OF APPEALS MEETING
September 17, 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

Also in attendance: Sherry Garr
Paul Anderson
Phyllis Allen
Fritz Allen
Don Bowen

Chairman Gabak made a motion to approve the minutes of August 20, 2015 and August 26, 2015 as presented by ZBA Clerk, Cindy Schiminske. Approved AYES 5-0.

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

The Garr Revocable Trust is requesting an area variance for the creation of 2 separate parcels out of the existing parcel known as Tax Map # 123.18-1-48. Both of the proposed parcels would have less than the minimum lot size required; less than the minimum 20' width for the flag lot and less than the minimum front setback of 50' for the rear lot. Ref. Town of Fleming Zoning Code Bulk and Use Table Lakeshore.

Paul Anderson, husband of Sherry Garr, spoke on behalf of the applicants. Paul and Sherry reside at 5911 Petre Drive, the front house on the lot. Phyllis and Fritz Allen reside at 5913 Petre Drive, which is the back house on the lot. These homes were built by Sherry's and Phyllis' dad, Mel Garr, back in 1993 and, at that time, he never subdivided the lots. He decided to put the homes into a trust for him and his wife. Mel passed away in 2002 and Mrs. Garr passed away last April. They are here to look to subdivide for a couple of reasons:

- Marketability of the property. It would be very difficult to try and sell one of these pieces of property and even if they subdivide, there would still be some questions. They need to subdivide to be on their own piece of property.
- Both homes are raised ranches and at some point in the future, they may want to sell these homes and move into a one level. That is the basis for their request.

They are looking for a lot size variance for the front property that Sherry and Paul live on.

For the back home where Phyllis and Fritz reside, they are looking for a few variances: a front yard variance of 21 feet; a south side variance for the driveway of 18 feet; and a lot size variance. Mr. Anderson mentioned that the total lot size is approximately 34,000 sq ft.

The applicants know they are not in compliance. However, there are a few homes on Petre Drive and also on Owasco Terrace that are not in compliance either. They don't plan to change anything. All they want to do is subdivide the property. There is not going to be any infringement on anyone's property and they are not going to create any kind of issues with the subdivision.

Don Bowen indicated that the applicants would have to go to the Planning Board for subdivision approval. The first step was to obtain a variance and then they could proceed to the Planning Board, as the Planning Board would not approve the subdivision without a variance in place.

Chairman Gabak stated that this was a hardship that wasn't created by the applicants.

A motion was made by Kathy Taylor and seconded by Chairman Gabak to vote on this request as follows:

- A variance of 18 feet from required 20' for driveway on south side of flag lot;
- A variance of 21' from required 50' for front yard of flag lot; and
- Both parcels would have less than the required 22,000 sq ft.

Roll call vote was taken by the Board.

MOTION APPROVED 5 AYES 0 NAYS

Motion to adjourn made by Kathy Taylor, and seconded by Chairman Gabak. All in favor. Time was 6:13 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals