

ZONING BOARD OF APPEALS MEETING
February 20, 2020
6:00PM

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

Kathy Taylor, Chairperson
Neal VanLiew
Ernie Rivera
Maureen Riester, Alternate

Absent: Phil DelloStritto
Jason Schenck

Also in attendance: Bill Gabak, Jr., Zoning Officer
Lisa Heaton
Catharine Haight
Dominick Balistreri
Bonita Baker

Chairperson Taylor made a motion to approve the minutes of December 19, 2019 as presented by ZBA Clerk, Cindy Schiminske. Approved AYES 4-0.

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

Lisa Heaton and Catharine Haight, 5560 Buck Point Road, Tax Map #130.04-1-10.116, are requesting a variance to the requirements of the Town of Fleming Zoning Code 7-16A(2)a for the shed which is currently located in the front yard of the property to remain in the front yard.

Lisa Heaton presented pictures of the property, which were on her computer, to the Board. She would like to keep the shed where it is currently located as that is the driest spot in the yard. She claimed that she had spoken with Harold Gilfus before the shed was placed and asked what the requirements were. He stated that if it was under 144 sq ft, they would not need a permit. She inquired as to the parameters where she could place the shed, as she wanted to put it in the driest spot. He stated that it must be 40 ft back from the road in the front of the house, 20 ft in from the side road (State Route 38), and 30 feet from the rear of the property.

Lisa stated she would have loved to put the shed in the rear of the property. She stated that she can't even put it in the side yard because of water issues. They had the patio collapse because of water issues and that's close to the house. She presented pictures of the side walkway that goes from the patio to the backyard which has also collapsed. She indicated that when she did call, she did exactly as she was told she could do. However, when Bill Gabak, showed up, he told her to move the shed. She again stated that she did what she was told she could do by the Town.

The backyard is pretty much a lake year round. She is unable to get a ditch dug because it's in the easement so she can't hire an excavation company to do that. The Town will not take care of it, the Army Corps of Engineers will not take care of it and she has called the State DOT but has yet to see anyone from DOT show up. Their mower has gotten stuck three times and left ruts in the yard. That is the problem with placing the shed anyplace else. If she had a choice, she would have put it in the backyard.

Chairwoman Taylor stated that as the property is a corner lot, they also consider the side a front yard. She stated that if they could move the shed back 10 or 15 ft, it would line up with the house. Lisa stated that she would have to put it where the walkway and bricks are, so she would still be running into a water issue.

There was discussion about the water issues on the property and the placement of the shed. Mr. Balistreri, who is a neighbor and also the Treasurer of Buck Point Association, voiced his support for the variance, together with his wife, Bonita Baker, and presented letters to the Board in support thereof from the neighbors.

Chairwoman Taylor discussed postponing the meeting so that she could speak with the zoning attorney, and the applicants were agreeable. At this point, due to the saturated ground, nothing could be done with the shed at this time.

Chairwoman Taylor made a motion to postpone the vote until the next meeting on March 19, 2020, seconded by Neal VanLiew.

Roll call vote was taken by the Board.

Neal VanLiew	YES
Ernie Rivera	YES
Maureen Riester	YES
Chairperson Taylor	YES

MOTION TO POSTPONE UNTIL MARCH 19, 2020 APPROVED

Chairperson Taylor made a motion to adjourn the meeting, seconded by Maureen Riester. All in favor. Time was 6:21 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals