

ZONING BOARD OF APPEALS MEETING

July 15, 2021

6:00 PM

The meeting was called to order by Chairperson Kathy Taylor at 6:08 PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

Kathy Taylor, Chairperson

Bob Faynor

Ernie Rivera

Craig Coleman

Donna Gilfus arrived late, after the presentation by Mr. Stone, so did not sit on the Board.

Also in attendance: Bill Gabak, Jr., Zoning Officer

Bill Stone

Megan Williams

Bob Faynor made a motion to approve the minutes of June 17, 2021, seconded by Ernie Rivera. Approved AYES 4-0.

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

William Stone, 4619 Wyckoff Road, Tax Map #144.00-1-46.8, is requesting the following: a variance to the requirements of the Fleming Zoning Code Section 7-16A(2)a for a proposed 20' x 14' accessory structure to be located in the front yard of the property and a variance to locate the structure less than 50 ft from the mean high water mark (717.13') of Owasco Lake (Section 6-9D(2)).

Mr. Stone submitted a powerpoint presentation in support of his variance request. This presentation showed the history of the property, their role as good stewards of the lake, the small square on the lake frontage on which this structure would be placed, mean high water mark, etc. This structure would be used for storage and also for their enjoyment if they were having a picnic or dinner at the lakeside. They need a spot to put everything instead of always bringing it down with them. They also had two kayaks stolen and he would like to minimize any other potential theft for personal property they have down by the lake.

Applicant stated that they have grandfathered land ownership since 1996 as zoning went into place about 2008 or so. The property was purchased with the intention of erecting a structure at some point.

Chairperson Taylor stated that they cannot allow any structures in the front yard. The Board has turned several residents down for the same reason. Chairperson Taylor stated that in order for grandfathering to have worked, you would have had to have a structure on the property. There was discussion about grandfathering structures and applicant inquired if anyone had legally brought forth this grandfathered exception. Bill Gabak stated that, according to the Town's Zoning Attorney, if you currently have a structure in your front yard on the lake and you remove it, you lose your grandfathering clause.

There was further discussion about sheds that are currently located on the lakeside, how to get the Zoning Law revised, the possibility of building a home on the lakeside parcel when the lot line adjustment is completed.

The Board informed applicant that if he is not happy with the decision of the ZBA, he can file an Article 78.

Chairperson Taylor reviewed the five criteria for granting the area variance with the Board Members.

Chairperson Taylor made a motion to vote on the variance request, seconded by Bob Faynor.

Roll call vote was taken by the Board.

Craig Coleman	NO
Bob Faynor	NO
Ernie Rivera	NO
Chairperson Taylor	NO
MOTION DENIED	

The applicant, William Stone, is also requesting a minor subdivision for a lot line adjustment (tax map #144.00-1-46.95). The Board reviewed the documentation received from Mr. Stone. He submitted a notarized Letter of Intent for Parcel Size Adjustment together with an Application for Subdivision.

Applicant stated that they purchased a flag lot a few years ago and the flag lot has a piece of property on the west side of West Lake Road .66 acres. It has some lake frontage property, $\frac{1}{4}$ of an acre that immediately adjoins their property (144.00-1-46.8). The reason they bought the property was not for the parcel but for the piece of land that adjoins their lake frontage. They don't really have any use for the stand alone lot, which is a compliant lot. They would like to separate those two out, and they would like to merge the lakefront lot with their existing parcel.

Bob Faynor made a motion to approve the minor subdivision with the lot line adjustment, seconded by Ernie Rivera.

Roll call vote was taken by the Board:

Ernie Rivera	YES
Craig Coleman	YES
Bob Faynor	YES
Chairperson Taylor	YES
MOTION APPROVED	

The Board reviewed the Special Use Permit application of David Wilczek to install a greenhouse on his farm to raise vegetable plants. He plans to sell the produce at Farmers' Markets, not onsite. There were no points of contention brought up during the meeting. The Board will submit a letter to the Town Board stating that they had no concerns.

There being no further business, Chairperson Taylor made a motion to adjourn the meeting, seconded by Bob Faynor. Time was 7:01 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals