

ZONING BOARD OF APPEALS MEETING

March 15, 2018

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, Jr., Chairman
Phil DelloStritto
Neal VanLiew
Kathy Taylor
Fritz Allen
Ernesto Rivera, Alternate

Also in attendance: Don Bowen, Zoning Officer
George & Tina Offenburg
Heather DiPaolo
Ruth Gabak
Peter Caplan
John & Andrea Cosachov

Chairman Gabak made a motion to approve the minutes of January 18, 2018 as presented by ZBA Clerk, Cindy Schiminske. Approved AYES 5-0.

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

- (1) George Offenburg, 5686 Mobbs Road, Tax Map # 130.10-1-2, is requesting a west side yard area variance for the construction of a 12' x 20' addition to an existing garage. The proposed addition would be located 15 ft from the property line instead of the required 25 ft. Ref. Town of Fleming Zoning Code, Bulk and Use Table, R-2 District.

Mr. Offenburg explained that they would like to put an addition on their garage (barn) for vehicle storage. It would be located 15 ft from the property line of the adjacent parcel which they have owned since 1985. At the west side location, the land is essentially flat and will require only topsoil removal and installation of the structural sub base for the slab and driveway; whereas the east side grade is considerably sloped from the building and would require more work.

Chairman Gabak reviewed the five criteria for an area variance with the Board.

Chairman Gabak made a motion to vote on the requested variance, seconded by Neal VanLiew.

Roll call vote was taken by the Board. MOTION APPROVED 5 AYES 0 NAYS

At this time, Chairman Gabak recused himself from the Board, and requested Kathy Taylor to act as Chairwoman, and also requested the alternate member, Ernesto Rivera, to sit on the Board.

- (2) David and Heather DiPaolo, 4933 West Lake Road, Tax Map # 144.00-1-5.113, are proposing to construct a new home and are requesting a variance to the maximum building height requirement of 35 feet, as set forth in the Town of Fleming Zoning Code, Bulk and Use Table, Lakeshore District.

Heather explained that she purchased the property two years ago. The new home plans are for a walkout basement and two floors. The back side of the house is 31 feet from top to bottom and the front side is 38 feet. She stated that if they had to change it, the back side wouldn't change, it would be how you excavate the front. It would have to be put 3 feet under. Putting anything an additional 3 feet under could cause structural problems. She also indicated that the same thing could happen if you reduce the slope of a roof, as there would be less integrity. The house wouldn't obstruct any views for the neighbors. There was also some discussion about the mean height and its interpretation.

Chairwoman Taylor stated that all water drainage issues should be addressed.

Chairwoman Taylor reviewed the five criteria for an area variance with the Board.

Chairwoman Taylor made a motion to vote on the requested variance, seconded by Neal VanLiew.

Roll call vote was taken by the Board. MOTION APPROVED 5 AYES 0 NAYS

Chairwoman Taylor made a motion to adjourn the meeting, seconded by Fritz Allen. All in favor. Time was 6:15 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals