

ZONING BOARD OF APPEALS MEETING

April 21, 2022

6:00 PM

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

Kathy Taylor, Chairperson

Bob Faynor

Ernie Rivera

Craig Coleman

John Yurco

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

John Cosachov

Bob Faynor made a motion to approve the minutes of March 17, 2022, seconded by Ernie Rivera. Approved AYES 5-0.

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

1. John Cosachov, 4917 West Lake Road, Tax Map #144.00-1-5.114 is requesting a variance to the provisions of Article IX C2 of the Fleming Zoning Code (which was amended by Local Law 2017-3) for a proposed 6' x 7' landing and stairs on the north side of the building.

Applicant stated that he has a small building on the east side of the road. It is close to the road and has an existing door facing the road. He would like to eliminate that door and put it on the north side of the building. Immediately outside the door, there would be a small landing measuring 6' by 7'. That landing would be supported by four posts and then some steps heading towards the roadside. Part of the reason for moving the door is that it is so close to the road. The road salt is constantly deteriorating everything, the frame, etc. The other reason is that walking from the roadside to that door is very steep and by putting a landing on the north side, that would allow a more level landing.

Zoning Officer Gabak stated that he was under the assumption that the 6' by 7' landing was going to be on the ground. However, it appears that applicant is going to have four posts and he is going to be a step below the door so the only thing touching the ground would be the four posts and there would be steps down to the ground level. Mr. Gabak

was mistakenly under the assumption that applicant was going to be at ground level with the landing, but he's not. It would be only the four posts there.

The Board asked if there were any problems with the setbacks on that property. Mr. Gabak answered that the setback from the edge of the building to the lake is only 21 or 22 ft and it needs to be 50 ft and that is why it is non-conforming. Applicant will be well enough away from the side property line.

The Board asked if the deck on the lakeside is existing. Applicant indicated no. The deck on the lakeside will be built and attached to the vertical posts underneath the building that go down to the ground, and the support for the deck on the lakeside would be supported by those vertical posts (cantilevers). The deck will be about 4 ft out from the building. There is nothing to the ground so the Zoning Officer did not see where he would need a variance for that.

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	YES
Ernie Rivera	YES
Bob Faynor	YES
John Yurco	YES
Chairperson Taylor	YES

MOTION APPROVED

Chairperson Taylor stated that the work must be started within 6 months of this approval and finished within 2 years. Otherwise, this variance shall automatically expire.

2. John Baranick, 5644 Poplar Cove, Tax Map #130.10-1-19, is requesting a variance to the provisions of Article IX of the Fleming Zoning Code (which was amended by Local Law 2017-3) in order to replace a 12'6" x 16' shed with a 24' x 30' garage, together with a rear yard variance of 20 ft from the required 30 ft (see Bulk & Use Table Lakeshore District).

Mr. Baranick was not in attendance to present his application. The Board waited another ten minutes to see if he would appear.

There being no appearance by Mr. Baranick and no further business, Chairperson Taylor made a motion to adjourn the meeting, seconded by Bob Faynor. Time was 6:20pm.

The meeting was again called to order at 6:30pm by Chairperson Taylor. The Board discussed tabling the Baranick request. Craig Coleman made a motion to table the variance application of John Baranick to the next meeting to be held on May 19, 2022, seconded by Bob Faynor. All in favor. Applicant will be notified of this new date.

Chairperson Taylor made a motion to adjourn the meeting, seconded by Bob Faynor. Time was 6:33pm.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals