

ZONING BOARD OF APPEALS MEETING
August 17, 2023
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
John Yurco
Craig Coleman

Also in attendance: Bill Gabak, Jr. Zoning Officer
Eric Barendt
Jim Swagler
David Ross
Jennifer Batruch

Robert Faynor made a motion to approve the minutes of July 20, 2023, seconded by Ernie Rivera. All in favor.

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

1. Eric Barendt, 5357 Bluefield Road, Tax Map #129.00-1-62, is requesting a variance of 199.91 feet from the minimum lot width of 225 feet required (Bulk & Use Table Ag District, and Article VI of the Fleming Zoning Code, which was amended by Local Law 2020-1).

Mr. Barendt submitted the plans for the renovations to his property. Zoning Officer Gabak indicated that he has no problem with what applicant wants to do. The issue was not having the 2 acres that he needed to make it a compliant lot. Applicant did accomplish acquiring the additional property to total two acres. At the prior ZBA Meeting, there was some miscommunication regarding required road frontage. When the Zoning Code was revised from 10 acres to 2 acres, the road frontage should have been addressed also, which is something the Town is looking to change.

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

Bob Faynor made a motion to vote on the variance request, seconded by Ernie Rivera.

Roll call vote was taken:

Craig Coleman	YES
John Yurco	YES
Bob Faynor	YES
Ernie Rivera	YES
Chairperson Taylor	YES
MOTION GRANTED	

The Board then reviewed the Subdivision Application with Letter of Intent submitted by Richard Delaney, 5361 Bluefield Road, for a parcel size adjustment of parcel #129.00-1-60.3, transferring 0.826 of an acre (as shown as Parcel A on a Map of Survey prepared by Dan Anderson, dated May 3, 2023) to parcel 129.00-1-62 (shown as Parcel B on said aforementioned Map of Survey) owned by Eric Barendt, 5357 Bluefield Road.

A motion was made by John Yurco to approve the subdivision, seconded by Bob Faynor.

Roll call vote was taken.

Ernie Rivera	YES
Bob Faynor	YES
John Yurco	YES
Craig Coleman	YES
Chairperson Taylor	YES
MOTION GRANTED	

2. James Swagler, 3016 Pinfeather Place, Tax Map #137.02-2-22, is requesting a rear yard setback of 5 feet from the required 30 feet (Bulk & Use Table, R-2 District) for a proposed 20' x 24' accessory structure.

Applicant stated that he would like to have a shed in which to store items with a covered porch so that they could sit by the pool. He doesn't have a basement and needs some storage. The Board stated that it's a considerable variance to go from 30 feet to 5 feet. Mr. Swagler indicated that his neighbor has a shed that is close to the property line. Upon reviewing that file, the Board found that the ZBA allowed the neighbor to have a 10 ft variance. They asked if applicant could figure out the shed configuration to be 10 feet from the property line. Applicant asked if he could go wider as long as he stays within the variance and the Board was agreeable. They stated that he would need to present a plot plan to show the 10 ft and the exact dimensions of the structure and they could consider that. The Board can't approve anything that isn't in front of them, if they don't have exact numbers.

Chairperson Taylor made a motion to postpone the application until the next meeting on September 21, 2023, seconded by Bob Faynor.

3. Post Subdivision at Buck Point. This matter was tabled by the applicant and the hearing extended. The Board had some requirements regarding the 80 ft frontage. On the resubmission in May, there were no revisions to address the lack of required road frontage for Lot 2. As this subdivision application has not reconvened, the Board will issue a final decision.

Bob Faynor made a motion to deny the application for approval of the Post Subdivision at Buck Point made by Todd Post, et al. for property located at Buck Point Road, Tax Map #130.04-1-45, based upon the fact that this would be creating a non-conforming lot, seconded by John Yurco.

Roll call vote was taken:

Ernie Rivera	NAY
Bob Faynor	NAY
John Yurco	NAY
Craig Coleman	NAY
Chairperson Taylor	NAY
MOTION DENIED	

Chairperson Taylor made a motion to adjourn the meeting, seconded by Bob Faynor.

Respectfully submitted,

Cindy Schiminske, ZBA Clerk