

ZONING BOARD OF APPEALS MEETING

July 20, 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

Jaskaran Sawhney

Kevin Feeney

Chairperson Taylor made a motion to approve the minutes of June 15, 2023, seconded by Ernie Rivera. All in favor.

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

1. Jaskaran Sawhney, 5167 West Lake Road, Tax Map #137.00-1-16, has submitted revised plans for a patio. This matter was postponed from the June 15th Meeting.

The applicant stated that, as the Board would not approve a porch addition, he would like to build a patio off the slider door. There would be steps (wood or composite) leading from the door to the patio. The steps would be 6' wide. There will be porous pavers measuring 10' x 10' from the steps and pea gravel surrounding the perimeter. He would like to place a free standing Pergola on the patio. The patio would be 20' from the south side property line.

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, which variance request is comprised of the following:

- Build a patio off the slider door;
- The area will be filled with loose gravel and crushed stone, 13' long and 14' wide;
- The gravel and stone will be used to level the ground as necessary;
- There will be steps leading from the door to the patio;

- The steps will be 6ft wide;
- There will be porous pavers measuring 10' x 10' from the steps in the front patio;
- The pavers will be 20ft from the south property line;
- The original covered steps will be repaired;
- There will be a removable free standing Pergola on the patio.

Roll call vote was taken by the Board.

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

2. Kevin Feeney, 2680 Sand Beach Road, Tax Map #130.05-1-10.7, is requesting the following variances for a proposed 14' x 28' accessory structure: a variance to the provisions of Article IX of the Fleming Zoning Code (which was amended by Local Law 2017-3) regarding a non-compliant lot; and a west side yard area variance of 7 feet from the required 10 feet (Bulk & Use Table, R-1 District).

Applicant was present and stated that he doesn't have a basement or a garage and his attic is a crawl space so he needed some storage. There was a shed that was in the spot where he would like to put this new one, which he got rid of. He still has another small shed that he would be willing to get rid of if he was allowed to get the bigger one.

The Board stated that the problem with this is that applicant has a non-compliant lot. The shed that is currently on the property is 8' x 12'. The shed that was removed from the property was 8' x 12'. Together that would be 16' x 24'. He would possibly be replacing those two sheds with one larger shed. With the two sheds, it would be 384 sq ft. The new shed would be 392 sq ft.

Zoning Officer Gabak stated that applicant already had his concrete pad poured and is too close to the property line, as the back of the pad is 7' from the property line and needs to be 10'. The front of the pad is 10' from the property line, so that is okay.

The Board stated that they have a problem with the placement of the concrete pad, as they cannot make this lot more non-compliant by allowing the pad as is. There was discussion regarding cutting the pad in order to keep it 10' from the property line and adding that 3' to the other side, behind the house. The remaining shed would also have to be removed.

The previous square footage of the 2 sheds combined is 384 sq ft. The new shed is 392 sq ft, which is a difference of 8 sq ft, which is negligible.

They discussed saw cutting 3 feet off the west side of the pad and adding it to the east side, so that it is legal on the property, which the applicant agreed to. The structure would be 13' from the house.

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 John Yurco, which variance request is comprised of the following:

- Concrete pad needs to be compliant with dimensions.
- 14' x 28' shed will be allowed due to previous structures on property.
- The other shed will have to come down so that there is only one shed on the property.

Roll call vote was taken by the Board.

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

Chairperson Taylor made a motion to adjourn the meeting, seconded by Ernie Rivera.

Respectfully submitted,

Cindy Schiminske, ZBA Clerk