

ZONING BOARD OF APPEALS MEETING

June 15, 2023

6:14 PM

The meeting was called to order by Chairperson Kathy Taylor at 6:14 PM (waiting for a Board Member to arrive). Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

Kathy Taylor, Chairperson

Bob Faynor

Ernie Rivera

John Yurco

Absent: Craig Coleman

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

Bob Faynor made a motion to approve the minutes of May 18, 2023, seconded by Ernie Rivera. All in favor.

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

Jaskaran Sawhney, 5167 West Lake Road, Tax Map #137.00-1-16, is requesting a variance to the provisions of Article IX of the Fleming Zoning Code (which was amended by Local Law 2017-3) for a proposed porch addition.

Currently he only has steps to a landing to access the front door. He would like to build a covered porch, which would be 8 ft deep and 22.3 ft wide.

Mr. Sawhney explained that he purchased the property two years ago and is converting the house from a cape to a colonial to give him more space.

The Board explained that he has a non-conforming lot and the problem with that is they cannot allow additions that change the footprint. He is asking for too much of a variance. If he were applying for a variance to request a 6' by 6' porch and four stairs down because there are elderly people who visit, that can be considered by the Board. The only relief that the Board has given to someone who has a non-conforming lot, is the ability to make a safe porch for entrance in and out of the house for someone who's elderly. Applicant is requesting too large of a porch. There was further discussion about non-conforming lots.

The Board discussed with applicant the possibility of having a small, brick patio on the ground. Zoning Officer Gabak stated that if it was maybe a 12' x 6' patio, he would consider allowing it. But, applicant has to locate the property line on the south side of his house and be sure it would be 20 ft from the property line. The patio would have to be brick or stone with sand so that it's permeable. It also has to be on the smaller size. The patio would have to be uncovered. If he wanted a covering, he could put a retractable awning on it.

The Board asked Mr. Gabak - as there are sliding/French doors on the front side on the house - could applicant have steps going down to the brick patio off those doors? Zoning Officer Gabak stated that it would be okay if there were no landing, only three or four steps down to the patio. The existing steps to the landing to access the front door would stay the same. There would just be an additional set of steps to the brick patio from the doors.

The Board informed the applicant that they would consider the steps from the sliding/French doors to the ground level onto the brick patio, with no more than 10' from the house out total. The steps would take up 4' then you would have 6' for the brick patio, so he would be under 10'. Same with the small porch. Currently the steps are there but the roof is gone.

The Board discussed with applicant that when he comes back in with revised plans, he will need to show the new roof near the front door that's only 6' by 6', the four steps coming down to the brick patio that totals less than 10'. Then they could work with that and make a decision based on that. Mr. Gabak reiterated that the patio has to be done with stone or brick pavers with polymer sand in between so that the water can soak through. It cannot be concrete.

Applicant was advised to present the Board with a drawing of exactly what he would like to request and they can take it from there. They cannot approve or disapprove something that is not in front of them.

Chairperson Taylor make a motion to postpone the application to the next meeting on July 20<sup>th</sup>, pending receipt of revised plans, seconded by Bob Faynor. All in favor.

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

Respectfully submitted,

Cindy Schiminske, ZBA Clerk