

ZONING BOARD OF APPEALS MEETING  
March 16, 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  
Ernie Rivera  
John Yurco  
Craig Coleman

Absent: Bob Faynor

Also in attendance: Bill Gabak, Jr., Zoning Officer  
Matt & Kim Schulze  
Manfred Lepak

Ernie Rivera made a motion to approve the minutes of February 17, 2023 and March 2, 2023, seconded by Craig Coleman. Approved AYES 4-0.

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

Matt Schulze, 2737 Almond Drive, Tax Map #130.05-1-11.11, is requesting the following variances in order to construct a pole barn for equipment/workshop in the front yard: a variance to the provisions of Section 7-16A(2)a (no accessory structures in front yard) and the Bulk and Use Table R-1 District (min lot width of 100 feet).

Mr. Schulze stated that he was looking to put a pole barn in a flat, clear area in his yard. He currently stores equipment on that area – boats, tractor, trailer and some yard equipment and he would like to put up a pole barn to store that equipment inside and maintain it out of the weather.

Mr. Schulze wanted to address the five criteria for a variance and give the Board his thoughts:

1. Out of character with the neighborhood or a detriment to nearby properties? He would say that is not the case. Outbuildings are common in the neighborhood and while this was a bigger structure, it's not disproportional to the size of the property. It won't be an eyesore and there would be only one neighbor that would be able to see it.

2. Can the benefit sought by the applicant be achieved in some other way?  
Originally, they looked at putting the building further back into the yard, which is defined as his back yard. That area is heavily wooded with many contours and it would require a lot of clearing. The clearing he would rather not do and he believes it would be an adverse effect on the environment. Also, the driveway to get back to the pole barn would be in the front yard.
3. Is the variance substantial? He doesn't believe so considering the isolated nature of the property.
4. Adverse impact to physical or environmental conditions in the neighborhood? He would say no – it would be quite the opposite because if they had to put it in the back yard, there would be a lot more clearing and land work required for that. The existing site where they would like to place the pole barn is flat and level and there would be very little work to get the structure going. It's readily accessible to the driveway and to the necessary utilities.
5. Whether this difficulty is self-created. He doesn't really understand that one.

Chairperson Taylor stated that, as applicant is aware from the last meeting, the Board cannot allow structures in the front yard. She realizes that they have a part of their greenhouse there but this would be the whole building.

There was discussion about the front yard, road frontage and the driveway right of way. Zoning Officer Gabak stated that the driveway runs to what the Town considers the front yard. Road frontage is considered the front yard. Mrs. Schulze understands that but feels that this is a very unique property with 5½ acres.

There was also discussion about the slope of the backyard and creating runoff to the neighbors below. Applicant stated it would require an extensive land rework to make it level enough, together with the removal of a substantial amount of hardwood. There was also discussion about the parcel's original plans to be developed with a number of homes, but that changed and ended up being one piece of property.

At this time, Manfred Lepak, a neighbor, spoke about tractor-trailers blocking his driveway while work was being done on Mr. Schulze's property, the hours the dump trucks came and who owns the right of way. He was upset that his privacy hedge was bulldozed. He was informed that all of these issues are out of the Town's control.

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 Craig Coleman.

Roll call vote was taken by the Board.

Craig Coleman	NO
John Yurco	NO
Ernie Rivera	NO
Chairperson Taylor	NO

MOTION DENIED

Craig Coleman made a motion to adjourn the meeting, seconded by Ernie Rivera. The time was 6:40pm.

Respectfully submitted,

Cindy Schiminske  
Clerk, Zoning Board of Appeals