

ZONING BOARD OF APPEALS MEETING

May 19, 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

John Yurco

Craig Coleman, Absent

Also in attendance: Jim Sanders, Alternate Member

John Baranick

Bob Faynor made a motion to approve the minutes of April 21, 2022, seconded by Ernie Rivera. Approved AYES 4-0.

The purpose of this meeting was to hear the following request, which had been tabled at the April 21, 2022 meeting:

1. 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 stated that he would like to replace a shed with a garage, which garage would probably be 24' x 24', which is a little smaller than originally planned. He feels that he has the room. He stated that his neighbors to the left have a 24' x 24' garage, which has been there for many years, and the neighbor on the right has a 16' x 30' shed type/garage. The Board stated that these were probably grandfathered in, but as the rules have changed, the applicant has a nonconforming lot. By allowing the garage, it would increase the noncompliance.

Applicant stated that the shed that is there now is closer to the road than it probably should be. It is closer to one side of the property line and the setback from the rear is pretty close. He feels that a garage centered on the back of the lot would fit better than what is currently there. The Board agreed with him that it would look better but the problem is that when you have a nonconforming lot, they cannot allow you to change the footprint. You can't make it more nonconforming. The area is congested

now to begin with and that is why the zoning laws were put into place, so that everybody doesn't put up whatever they want and increase the congestion. If the applicant wanted to replace his shed, as long as he stays within the footprint, that would be possible.

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 Chairperson Taylor.

Roll call vote was taken by the Board.

Ernie Rivera	NO
Bob Faynor	NO
John Yurco	NO
Chairperson Taylor	NO

MOTION DENIED

2. The Board reviewed the Special Use Permit Application of Peter Briggs for a greenhouse on his property located at 2818 Sand Beach Road, tax map #123.00-1-18.21. The Board's only suggestion was that it be for personal use only.
3. The Board reviewed the Special Use Permit Application of Michael Lepak for docks on his property located at 4977 West Lake Road, tax map #137.00-1-35. After discussion, the Board's suggestions are as follows:
 - Signage at location;
 - Would like to see a street light;
 - Limit number of boats/jet ski docks to 13 which is currently there;
 - Sign to be respectful of neighbors in relation to noise after 10:00pm;
 - Only one ingress and egress to lakefront as it currently exists.

The Board will submit letters to the Town Board with their comments on the Special Use Permits.

Chairperson Taylor made a motion to adjourn the meeting, seconded by Bob Faynor. Time was 6:30pm.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals