

## Village of Bloomfield Zoning Board of Appeals Meeting of March 28<sup>th</sup>, 2019

**Zoning Board of Appeals Members Present**, Ron Newell, Joseph Ostrowski, Roslyn Duncan, Terry Hall, Emery J. Warden

**Others Present:** Jim Kier (Code Enforcement Officer), Darren Carlson, Nancy Long and Ed Matuck

**Newell opened the meeting at 7:00 pm, the Public Hearing was opened.**

1. **7:00 pm Area Variance Review BV1-19-Patrick & Nancy Long**, property located at 25 Page Place, tax map #67.19-1-78.100, has applied for an **Area Variance to erect a 24'x32' storage barn onto existing property**, a Zoning Ordinance appeal of schedule I is required as the structure will sit in the front lot line of the principle structure per **Article VII 135-47 I**.
  - Newell read the Legal Notice. Newell asked for the certified return receipts for the public hearing notices; Nancy Long gave them to Newell. Newell asked for any written comments, there were none.
  - Newell read the recommendation from the Planning Board minutes from March 14, 2019. Newell reviewed the request and asked what Long was looking to achieve with the structure. Long stated they are looking for room to store tractor, a wagon and other items for use around the property. Long stated the plans have the structure sitting tucked in the tree line in the front of the house. They could not put it anywhere else because they need access to the driveway. They do not want to put next to the house because they would lose two large Ash trees they have been trying to save. She stated they could not put it in the rear of the property because they would have to put in a driveway and that would be cost prohibited.
  - Newell asked if there were any questions or comments from the public. Newell stated he did not believe it would be that noticeable with all the trees surrounding it. Long stated the barn would be close to the same color as the house and same roofing material.
  - Hall feels the hardship is self created- He questioned why they could not put it in the side yard. Long stated there are 3 trees that would have to be taken down and they would lose access to the driveway. There is also a drop/slope that would have to be filled in. Hall stated there is no elevation to show that in the pictures.
  - Kier saw no problem with the structure. Warden asks if this is setting precedence. Because of money, the applicant wants it in the front. Warden stated if you had the funds then you would be putting it in the back yard. Long stated they would not have access to the driveway if it was in the back and they would have to extend the driveway, to the back of the property. She stated it will also majorly change the landscape and make it hard to mow.
  - Long stated that the property is more like a country feeling not a village street. Hall asked Long if they had to bring in fill dirt to build their home. Long stated yes they did for the garage. Hall suggested because you brought fill in for the garage why can't fill dirt be brought in again for the storage barn. If it's the cost then it is self-created. Long explained they did not want to lose the trees they are spending money on to save.

Close the public hearing. 7:20

Newell asked if there were any questions. Hall asked if we setting a precedence. If fill dirt was brought in for the house, why not for the new structure. Hall asked if this would be a viable solution. Newell doesn't agree it is viable solution vs putting it on the end of the existing house. Warden stated that what the Longs want isn't relevant. Agrees with Hall that it's a unique property but because of this everyone

else is going to want to do this. Newell stated this property is unique and each property would have to be looked at as an individual variance.

**Ostrowski made a motion and Hall seconded the motion to declare SEQR as type II, no further action required, all Board members voted and the motion was carried unanimously.**

The Board then reviewed the five (5) criteria:

- 1) Undesirable change to the neighborhood: The Board felt that the addition would not alter the character of the neighborhood. It would barely be seen and the location is on a dead end.
- 2) Alternate Method: The Board stated that they thought the proposed location for the addition was the adequate location.
- 3) Substantiality: The Board felt that 15 feet in front of the house was not substantial and it would give them access to the driveway.
- 4) Impact on the environment: If fill needed it would be much less than if they were to put it back closer to the house.
- 5) Self-creation: Some Board members felt it was self-created because of the cost to put the barn in another location. However, owner did not want to remove large trees on the property or put in a driveway.

**ZBA Decision:**

**Warden made a motion and Ostrowski seconded the motion to approve the Area Variance Review BV1-19-Patrick & Nancy Long, property located at 25 Page Place, tax map #67.19-1-78.100, to erect a 24'x32' storage barn onto existing property, per Article VII 135-47 I.**

Hall amended the motion to include the following whereas: and it was seconded by Ostrowski.

Whereas:

1. It's a unique village lot with 8 acres vs a standard village lot.
2. It's located on a dead end.
3. Structure will be in an area not physically visible in front of the house.
4. The location will save 3 large Ash trees from being cut down.

**Record of Vote:**

Ron Newell **Aye**, Joseph Ostrowski **Aye**, Roslyn Duncan **Aye**, Terry Hall **Aye**, Emery Warden **Aye**.

All Board members present voted Aye, Vote was carried unanimously.

**2. Minutes of August 23, 2018:** Duncan motioned and Hall seconded and the August 23, 2018 ZBA minutes were approved as submitted.

**3. Minutes of December 27, 2018:** Hall motioned and Duncan second and the December 27, 2018 ZBA minutes were approved as submitted.

**4. Discussion:**

- Spring workshop is on May 17<sup>th</sup>. Ron reviewed who needed hours. Some believe hours are not correct and Newell told them to check with the office to verify what is on record.

- Newell expressed his opinion that the Zoning Board needs a secretary. Mayor Falsone asked to be on record as stating that the Zoning Board will get a secretary as soon as the Village can find one. The current secretary is out on Disability. At this time the meetings are recorded for minutes to be prepared.

The next Zoning Board meeting is scheduled for April 25, 2019 if needed.

**5. Meeting Adjourned Newell motioned and Warden seconded and it was carried to adjourn the meeting at 7:42 pm.**

Respectfully submitted,

Donna Wollschleger

Village Clerk