

# TOWN OF ERWIN

## Zoning Board of Appeals

### MINUTES 06/28/16 MEETING

**PRESENT:** Chairman Frank Thiel, Ruth Fisher McCarthy, Jay McKendrick, Angela Narasimhan, Kris West  
**ABSENT:** Bridget Ackerman  
**GUESTS:** Byron L. Paris, John Lewis, Dave Iocco, Doug Wicks, Barbara Lucas

#### CALL TO ORDER:

At 7:00 PM, Chairman Thiel called the meeting to order in the meeting room of the Erwin Town Hall, 310 Town Center Road, Painted Post, NY, 14870.

#### MINUTES:

The Zoning Board of Appeals acknowledges and appreciates Kris West for 11+ years of service on the Board. She is resigning effective June 30, 2016. Angela Narasimhan will be taking her place.

Application 2016-04 from Dr. Maria Marzo, which was tabled at the April meeting, was later withdrawn by the applicant.

Minutes of the 4/26/16 meeting were approved by unanimous consent with one abstention.

## 2016-05

**Request from Coopers Plains Long Acres Fire District for an Area Variance at 210 Main Street to allow lot coverage of 27.8% where 15% is allowed. Variance of §130-14, and Appendix B Density Control Schedule is requested. With Public Hearing**

Notification of this action was sent to **47** adjacent property owners. A legal notice of this action printed in the Town's official newspaper, the Star Gazette on June 19, 2016.

The sign variance is a Type II action under the State Environmental Quality Review Act. ***No SEQR action is required.***

The property is located in an R2.5 Residential Zone.

The applicant seeks to expand the existing 3,648 sq ft building with a 2,304 sq ft addition, for a total building area of 5,952. Together with the driveway/impervious area, this will cover 27.8% of the 21,732.6 sq ft lot. A lot coverage of 15% is allowed.

Therefore, the applicant is requesting a variance of additional lot coverage of 12.8%, an increase of 85% over the allowable coverage.

Dave Iocco, engineer for the applicant, presented both applications 2016-05 and 2016-06. He noted that the current applications are almost identical to applications which were approved by the ZBA in 2015. The previously approved applications expired while the CPLA Fire District considered an alternative opportunity which had been presented.

## **The Chairman opens the public hearing at 7:10 PM.**

Chairman Thiel read the following statement from a neighbor:

John Lewis of 214 Main Street, Coopers Plains, NY and adjacent to the CPLA Fire District property noted two concerns. The first concern is regarding the potential for water runoff due to additional pavement and a larger building. He also noted concern about visibility past snow piled next to his driveway.

Engineer Iocco responded to the first concern noting that all drainage will be directed to specific drainage areas located behind the building or to street drains connected to a storm sewer system. Regarding snow Engineer Iocco noted that the Fire District should plow all snow to a location behind the building and remove snow from the property if it becomes necessary in order to ensure safe conditions for Mr. Lewis' property.

Mr. Lewis also noted that water freezing on his driveway and encroaching on his shed are of concern.

Byron Paris, of the CPLA Fire District, noted that they will monitor the situation and take action if it becomes necessary.

## **The Chairman closes the public hearing at 7:20 PM.**

## **The ZBA considers the Area Variance application and the public comment and makes findings on each of the Area Variance criteria**

### **(1) The requested variance will not produce an undesirable change in the character of the neighborhood.**

All members agree the variance will not produce an undesirable change.

### **(2) The requested variance will not create a detriment to nearby properties.**

All members agree the variance will not be a detriment. Member Kris West noted that there will be no detriment if drainage issues are addressed at the Planning Board stage.

### **(3) There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.**

All members agree there is no other feasible method available. Member Kris West also noted that alternatives were explored and found to be not feasible.

### **(4) The requested area variance is not substantial.**

All members agreed that it is substantial.

### **(5) The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**

All members agree the variance will not have an adverse effect or impact since storm sewers will address drainage.

**(6) The alleged difficulty was not self-created. (This consideration shall be relevant but shall not necessarily preclude the grant of the area variance.)**

Members Ruth Fisher McCarthy and Jay McKendrick voted that the alleged difficulty was self created. Members Frank Thiel, Kristine West and Angela Narasimhan voted that the alleged difficulty was partly inherited and partly due to the demands for larger and specialized equipment necessary to accommodate modern structures.

**RESOLUTION TO APPROVE APPLICATION 2016-05 FROM COOPERS PLAINS LONG ACRES FIRE DISTRICT TO ALLOW LOT COVERAGE OF 28% WHERE 15% IS ALLOWED**

**MOTION: JAY McKENDRICK**  
**SECONDED: ANGELA NARASIMHAN**  
**DISPOSITION: 5-0**

## **2016-06**

**Request from Coopers Plains Long Acres Fire District for an Area Variance at 210 Main Street to allow lot size of 21,733 where 25,000 is required. Variance of §130-14, and Appendix B Density Control Schedule is requested. With Public Hearing**

Notification of this action was sent to **47** adjacent property owners. A legal notice of this action printed in the Town's official newspaper, the Star Gazette on June 19, 2016, and in The Leader.

The sign variance is a Type II action under the State Environmental Quality Review Act. ***No SEQR action is required.***

The property is located in an R2.5 Residential Zone.

In 2007, the Campbell-Erwin Baptist Church transferred 0.189 acres to the CPLA Fire Department. In 2002, the CPLA Fire Department bought the lot on the west, adjacent to the existing Fire Station lot. In February 2015, the Planning Board approved the resubdivision of all land owned by the CPLA Fire Department into a single, 21,732.16 sq. ft. lot.

The CPLA now wishes to build a 2,304 sq ft addition to the existing building.

The current lot size is 21,732.16 sq ft where 25,000 sq ft is required. The applicant seeks relief of 3,267.4 sq ft or 13%.

**The Chairman opens the public hearing at 7:27 PM.**

**The Chairman closes the public hearing at 7:28 PM.**

**The ZBA considers the Area Variance application and the public comment and makes findings on each of the Area Variance criteria**

- (1) The requested variance will not produce an undesirable change in the character of the neighborhood.**

All members agree the variance will not produce an undesirable change.

- (2) The requested variance will not create a detriment to nearby properties.**

All members agree the variance will not be a detriment. .

- (3) There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.**

All members agree there is no other feasible method available.

- (4) The requested area variance is not substantial.**

All members agreed that it is not substantial.

- (5) The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**

All members agree the variance will not have an adverse effect or impact.

- (6) The alleged difficulty was not self-created. (This consideration shall be relevant but shall not necessarily preclude the grant of the area variance.)**

Members Ruth Fisher McCarthy and Jay McKendrick voted that the alleged difficulty was self created. Members Frank Thiel, Kristine West and Angela Narasimhan voted that the alleged difficulty was not self created.

**RESOLUTION TO APPROVE APPLICATION 2016-06 FROM COOPERS PLAINS LONG ACRES FIRE DISTRICT TO ALLOW LOT A LOT SIZE OF 21,000 SF WHERE 25,000 IS REQUIRED.**

**MOTION: ANGELA NARASIMHAN  
SECONDED: RUTH FISHER MCCARTHY  
DISPOSITION: 5-0**

**MEETING ADJOURNED AT 7:30 PM BY UNANIMOUS CONSENT**