

TOWN OF ERWIN

Zoning Board of Appeals

MINUTES 11/15/16 MEETING

PRESENT: Chairman Frank Thiel, Ruth Fisher McCarthy, Jay McKendrick, Mariana Huber, Ralph Truitt
ABSENT: Bridget Ackerman, Angela Narasimhan
GUESTS: Robert Drew, Byron Paris, David Lineman, Jared Vieselmeyer, Woody Swan, Tom Dobrydney, Janis Bierwiler, Pete Bierwiler, Rita McCarthy, 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:

Minutes of the 10/25/16 meeting were approved as amended 5-0.

Case 2016-09 was withdrawn by the applicant until the December meeting.

2016-10

REQUEST FROM COOPERS PLAINS LONG ACRES FIRE DISTRICT FOR AN AREA VARIANCE AT 210 MAIN STREET TO ALLOW LOT COVERAGE OF 45% 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 46 adjacent property owners. A legal notice of this action printed in the Town's official newspaper, the Star Gazette on November 6, 2016, and in The Leader.

The application is the subject of a Planning Board action. The Planning Board will declare itself Lead Agency under the State Environmental Quality Review Act. No SEQR action by the Zoning Board of Appeals is required.

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

The applicant seeks to expand the existing building. Together with the driveway/impervious area, this will cover 45% 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 30%.

Robert Drew, P.E., of Hunt Engineers, engineer for the applicant, and Byron Paris from the Coopers Plains Long Acres Fire District presented the application. Mr. Paris noted that the addition to the building is necessary to house a modern firetruck which the District plans to purchase. Modern firetrucks are much larger than older models. Modern building designs and materials make it necessary to use modern equipment. The job of the Fire Department has also changed over the years to include responding to medical and accident emergencies.

A brief history of the project includes two prior applications to the Zoning Board of Appeals. The first application (2015-01) seeking a lot coverage of 27.8% where 15% is allowed, was amended seeking a lot coverage of 70% and approved in February 2015. The project was delayed by more than a year and approval of the application expired. Byron Paris noted that during the year the Fire District was offered

an alternate location to build a new building. After thoroughly exploring the feasibility and design considerations at the alternate location, it was determined that the original Main Street location was the better option. The Fire District returned to the Zoning Board in June of 2016 seeking two variances which were both granted. Variance (2016-05) seeking a lot coverage of 27.8%, not amended to 70% as in the original request, was approved. Variance (2016-06) allowing a lot size of 21733 sq. ft. where 25000 sq. ft. is required, was also approved. The Fire District hired Hunt Engineers, replacing the original engineer for the project, to provide detail plans to the Planning Board. While finalizing the design, Hunt Engineers discovered an error in the amount of the lot coverage variance which had been approved. It was necessary for the Fire District to return to the Zoning Board to correct the amount of lot coverage sought to 45%. Town Manager Rita McCarthy noted that Jody Allen, P.E., of Labella Associates, acting as Town Engineer for the project, has verified that 45% is the correct amount.

Engineer Drew noted that a change to the location of the addition on the Main Street property requires an additional variance for a rear yard setback of 15 feet where 25 feet is required. Moving the addition toward the back of the property and aligning the back of the addition with the back of the existing building allows the fire department the space to park a truck in front of the building for washing without encroaching on the street. The Fire Department will install trench drains and run the water through an oil separator to mitigate potential drainage problems. The change also results in improved line-of-sight for neighboring properties.

John Lewis of 214 Main Street, Coopers Plains, NY, adjacent to the CPLA Fire District property, previously expressed concerns relating to the project. Below is a copy of his correspondence with Town Manager Rita McCarthy in regards to those concerns.

From: John Lewis [<mailto:eagle8642.il@gmail.com>]
Sent: Friday, November 11, 2016 9:21 AM
To: Rita McCarthy <townmanager@stny.rr.com>
Subject: RE: 214 Main St

Rita I want to thank you for the reply on our meeting and the results you gave me. Looking forward to hooking up hopefully this year. Thanks again. John Lewis

On Nov 10, 2016 1:44 PM, "Rita McCarthy" <townmanager@stny.rr.com> wrote:

John

I just wanted to follow up with you.

Dan Hamilton, our Highway Superintendent has looked at the drainage problem. The catch basin you referred to is still there, but was covered, probably to facilitate the equipment for the sewer pipe installation. There is another catch basin that also was covered up. Our Highway Department will uncover those and make them functional again. We believe that will totally address the drainage problem.

Rick Pope, one of the inspectors from the sewer job is aware of the landscape timbers and will get the contractor to restore them.

We are looking at alternative locations for the signs prohibiting trucks over 4 tons. Dan Hamilton is working with DOT, and will cause either signs to be moved or new signs installed.

Our Chief Waste Water Treatment Plant Operator, Elwin "Twig" Terwilliger, said that in a case like your, where you can still pump the septic tank and fill it with stone, without have to disturb /remove the whole concrete lid, you can leave the lid intact.

By the way, NYSEG has actually started setting the poles for the electric for the pump stations!!!!!!!!!!!!!!!!!!!!!! Stay tuned – we will be communicating with the entire CPLA community when we actually know something.
☺

Rita

A PUBLIC HEARING WAS NOT OPENED BECAUSE THERE WAS NO PUBLIC IN ATTENDANCE.

THE ZBA CONSIDERS THE AREA VARIANCE APPLICATION AND THE PUBLIC COMMENT AND MAKES FINDINGS ON EACH OF THE AREA VARIANCE CRITERIA:

The requested variance will not produce an undesirable change in the character of the neighborhood.	
FRANK THIEL	WILL NOT
RUTH FISHER MCCARTHY	WILL NOT
MARIANA HUBER	WILL NOT
BRIDGET ACKERMAN	
JAY MCKENDRICK	WILL NOT
ANGELA NARASIMHAN	
RALPH TRUITT	WILL NOT
The requested variance will not create a detriment to nearby properties.	
FRANK THIEL	WILL NOT
RUTH FISHER MCCARTHY	WILL NOT
MARIANA HUBER	WILL NOT – The addition is approximately 25’ from Mr. Lewis’ shed.
BRIDGET ACKERMAN	
JAY MCKENDRICK	WILL NOT
ANGELA NARASIMHAN	
RALPH TRUITT	WILL NOT
There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.	
FRANK THIEL	NO
RUTH FISHER MCCARTHY	NO
MARIANA HUBER	NO
BRIDGET ACKERMAN	
JAY MCKENDRICK	NO
ANGELA NARASIMHAN	
RALPH TRUITT	NO
The requested area variance is not substantial.	
FRANK THIEL	YES, SUBSTANTIAL
RUTH FISHER MCCARTHY	YES, SUBSTANTIAL
MARIANA HUBER	YES, SUBSTANTIAL
BRIDGET ACKERMAN	
JAY MCKENDRICK	YES, SUBSTANTIAL
ANGELA NARASIMHAN	
RALPH TRUITT	YES, SUBSTANTIAL
The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.	
FRANK THIEL	WILL NOT – Drainage issues have been addressed in the design.
RUTH FISHER MCCARTHY	WILL NOT
MARIANA HUBER	WILL NOT
BRIDGET ACKERMAN	
JAY MCKENDRICK	WILL NOT
ANGELA NARASIMHAN	
RALPH TRUITT	WILL NOT
The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance)	
FRANK THIEL	NO – Due to requirements of modern equipment necessary to do the job.
RUTH FISHER MCCARTHY	NO
MARIANA HUBER	NO
BRIDGET ACKERMAN	
JAY MCKENDRICK	YES, SELF CREATED
ANGELA NARASIMHAN	
RALPH TRUITT	NO

RESOLUTION TO APPROVE THE REQUEST FROM COOPERS PLAINS LONG ACRES FIRE DISTRICT FOR AN AREA VARIANCE AT 210 MAIN STREET TO ALLOW LOT COVERAGE OF 45% WHERE 15% IS ALLOWED

MOTION: RUTH FISHER McCARTHY
SECONDED: RALPH TRUITT
DISPOSITION: 5-0

2016-11

REQUEST FROM COOPERS PLAINS LONG ACRES FIRE DISTRICT FOR AN AREA VARIANCE AT 210 MAIN STREET TO ALLOW REAR YARD SEBACK OF 15 FT WHERE 25 FT IS REQUIRED. VARIANCE OF §130-14 AND APPENDIX B DENSITY CONTROL SCHEDULE IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to 46 adjacent property owners. A legal notice of this action printed in the Town's official newspaper, the Star Gazette on November 6, 2016, and in The Leader.

The application is the subject of a Planning Board action. The Planning Board will declare itself Lead Agency under the State Environmental Quality Review Act. No SEQR action by the Zoning Board of Appeals is required.

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

The applicant seeks to line up the back of the addition with the back of the existing building. A rear yard setback of 15 ft. is requested where 25 ft. is required.

Therefore, the applicant is seeking 10 ft. of relief.

Prior to considering the variance criteria, Engineer Drew described the conditions in the setback area behind the proposed addition. He noted that the area is a steep slope and the distance to the church is approximately 30' to 40'. Mr. Paris noted that a new retaining wall will actually stabilize the slope and the church organization has not expressed any concerns.

A PUBLIC HEARING WAS NOT OPENED BECAUSE THERE WAS NO PUBLIC IN ATTENDANCE.

THE ZBA CONSIDERS THE AREA VARIANCE APPLICATION AND THE PUBLIC COMMENT AND MAKES FINDINGS ON EACH OF THE AREA VARIANCE CRITERIA:

The requested variance will not produce an undesirable change in the character of the neighborhood.	
FRANK THIEL	WILL NOT
RUTH FISHER McCARTHY	WILL NOT
MARIANA HUBER	WILL NOT
BRIDGET ACKERMAN	
JAY McKENDRICK	WILL NOT
ANGELA NARASIMHAN	
RALPH TRUITT	WILL NOT

The requested variance will not create a detriment to nearby properties.	
FRANK THIEL	WILL NOT – Actually improves the area
RUTH FISHER MCCARTHY	WILL NOT
MARIANA HUBER	WILL NOT
BRIDGET ACKERMAN	
JAY MCKENDRICK	WILL NOT - – Due to the unique features of the property.
ANGELA NARASIMHAN	
RALPH TRUITT	WILL NOT
There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.	
FRANK THIEL	NO
RUTH FISHER MCCARTHY	NO
MARIANA HUBER	NO
BRIDGET ACKERMAN	
JAY MCKENDRICK	NO
ANGELA NARASIMHAN	
RALPH TRUITT	NO
The requested area variance is not substantial.	
FRANK THIEL	YES
RUTH FISHER MCCARTHY	YES
MARIANA HUBER	YES
BRIDGET ACKERMAN	
JAY MCKENDRICK	YES
ANGELA NARASIMHAN	
RALPH TRUITT	YES
The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.	
FRANK THIEL	NO
RUTH FISHER MCCARTHY	NO
MARIANA HUBER	NO – No trees will be removed.
BRIDGET ACKERMAN	
JAY MCKENDRICK	NO
ANGELA NARASIMHAN	
RALPH TRUITT	NO
The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance)	
FRANK THIEL	NO – Technically yes, but necessary
RUTH FISHER MCCARTHY	YES
MARIANA HUBER	YES
BRIDGET ACKERMAN	
JAY MCKENDRICK	YES
ANGELA NARASIMHAN	
RALPH TRUITT	NO

RESOLUTION TO APPROVE REQUEST FROM COOPERS PLAINS LONG ACRES FIRE DISTRICT FOR AN AREA VARIANCE AT 210 MAIN STREET TO ALLOW REAR YARD SETBACK OF 15 FT WHERE 25 FT IS REQUIRED

MOTION: FRANK THIEL
SECONDED: JAY MCKENDRICK
DISPOSITION: 5-0

MEETING ADJOURNED AT 7:45 PM BY UNANIMOUS CONSENT