

Zoning Board of Appeals
Special Meeting/Public Hearing
June 28, 2023
5:00PM
Minutes

Quorum: Yes

Meeting called to order at 5:00 PM by Chairman Don Butler.

Members present: Donald Butler, John Stano, Ryan McIntosh, David Ladd, Amy Kenney.

Also present: Eugene McIntosh, Jim Millington; Code Enforcer, Danielle Queior; ZBA Clerk.

Motion John Stano 2nd Ryan McIntosh at 5:00PM to open the public hearing to hear comments on an area variance application, submitted by Daniel Brodeur, for 223 West Kirby Street. Seeking a building permit for a carport off of the front of his garage. Westerly side yard does not meet the 5' setback requirement.
Ayes: 5 Donald Butler, John Stano, Ryan McIntosh, David Ladd, Amy Kenney.
Nays: 0

Correspondence: After the June 13, 2023 meeting a NYS stamped survey map was submitted by Daniel Brodeur for 223 West Kirby Street, dated June 26, 2008.

Ray Robinson, property owner of 219 West Kirby, east of 223 West Kirby Street, contacted the Village office by phone and has no issues with the requested area variance as it will not affect his property in any way.

Eugene McIntosh submitted a written list of statements which he read aloud:

Referencing the diagram of the proposed carport submitted by Mr. Brodeur;

- From the side of the door to corner of garage is 21" and past the fence
- From edge of door to main line of fence is 9"
- Fence has been regarded as boundary line for 25 plus years, same with them until 3 years ago
- No proof of actual property lines due to no survey
- 12' wide canopy over 8' door, way over line
- No provisions for run off
- If its not included in diagram it won't happen
- Rain gutters are worthless, fill up with debris, water freezes, cracks
- Everything that runs off it will end up in my yard as the driveway is not flat
- I know this because I took care of that place and prior owners for 18 plus years

Jim Millington: Surveys are good for 5-10 years typically, cannot be sure survey is up to date.

Eugene McIntosh: A survey for the property was started but never completed in 2020

Board: There is no NYS Statute stating 5-10 years is the limit for a survey. The Village has received a NYS certified stamped survey map dated June 26, 2008 by a Mr. James Brownell #45365.

Jim Millington: It is suggested surveys be done every 5-10 years

Board: Certainly, an archaic survey wouldn't be acceptable but 2008 is not an unreasonable time frame. A more recent survey or an older survey that might have a discrepancy will be reviewed if it can be provided. The board will weigh the age of survey when making decision.

No additional surveys brought forward

Motion John Stano 2nd David Ladd to close the public hearing at 5:15PM
Ayes: 5 Donald Butler, John Stano, Ryan McIntosh, David Ladd, Amy Kenney.
Nays: 0

Motion Ryan McIntosh 2nd Amy Kenney to approve the minutes from the June 13, 2023 meeting.
Ayes: 5 Donald Butler, John Stano, Ryan McIntosh, David Ladd, Amy Kenney.
Nays: 0

Report of Committees: None

Motion John Stano 2nd Amy Kenney acknowledging that single- and two-family area variances are exempt from both 239m county review as well as SEQR review
Ayes: 5 Donald Butler, John Stano, Ryan McIntosh, David Ladd, Amy Kenney.
Nays: 0

Board reviews the area variance criteria and the appeals certification form;

1. No undesirable change in the neighborhood character. Other properties in the neighborhood have carports, is consistent.
2. No alternative method for a carport. Not enough room between house and fence
3. Requested variance is not substantial, carport will remain to the inside of the current fence. Will not encroach any further than the garage.
4. No adverse effects or impacts on the neighborhood. Any run off rain will run forward into driveway. Mr. Brodeur will put gutters on proposed carport and run them to the east, away from 231 West Kirby, McIntosh property. Run off already runs off garage to the McIntosh property.
5. Difficulty was not self-created. Garage and fence were already in place when Mr. Brodeur purchased the home. Fence is over 25 years old. No new condition is being created.

Conditions:

1. Mr. Brodeur is to install gutters which will dispense run off to the east side of the property from the carport.
2. Variance specifically applies to the carport. Does not allow for fence to be moved.

Motion David Ladd 2nd John Stano for a resolution to grant a 3' area variance to Daniel Brodeur of 223 West Kirby Street.
Ayes: 5 Donald Butler, John Stano, Ryan McIntosh, David Ladd, Amy Kenney.
Nays: 0

The next regularly scheduled meeting will be held Monday July 31st, 2023 if business arises.

Motion Ryan McIntosh 2nd John Stano for adjournment.
Ayes: 5 Donald Butler, John Stano, Ryan McIntosh, David Ladd, Amy Kenney.
Nays: 0

Meeting adjourned at 5:34PM.
Respectfully Submitted,
Danielle Queior, ZBA Clerk