

Zoning Board of Appeals Meeting

Donna Miller -Domres, 1805 Lafayette Dr. SBL #108.15-3-12

June 16, 2020

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 pm.

Present: Michael DeWitt, Herbert Schmidt III, Tom Kirszenstein, Brian Schumacher, CEO Czechowski and Justin Domres.

Absent; Charlie Gaffney,

The purpose of this public hearing: There is one variance being addressed at this meeting.

#1) Erect a two story dwelling (residential garage addition) 2.63 feet from the side yard line, in contradiction of the code requirement that the minimum side yard set back is 8 feet.

At this point Chairman DeWitt opened the Public Hearing to the audience.

Justin Domres explained they needed more storage, as they got married recently and need to combine 2 households, and he would like to store their possessions indoors.

There was a reply from the county, no objection, and no public input.

MOTION by Brain Schumacher, seconded by Charlie Gaffney to close the Public Hearing.
Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No.**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No. The lot is the lot.**
3. Whether the requested area variance is substantial? **Yes, $\frac{3}{4}$ of existing requirement.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance? **No, the lot is the lot.**

6. Whether it will create a hazard to health, safety or general welfare? **No.**

5 no's and 1yes, the board has made the following motion.

MOTION by Brian Schumacher and seconded by Tom Kirszenstein, to grant the requested variance, Unanimous, Carried. 6:45 pm.

CEO Czechowski – as of 5/12/2020 NYS has required a 5-foot minimum property set back, for fire separation. The village must conform to the new NYS standards, cannot grant a variance against NYS code. Prior to this NYS did not have a required number for the set back, and they did not give municipalities time to adjust to it. Commercial buildings are different due to firewalls & sprinklers. The village code is on the website.

MOTION by Tom Kirszenstein and seconded by Charlie Gaffney, to adjourn the meeting, Unanimous, Carried. 6:59 pm.

Respectfully submitted,

Sue Galbraith, ZBA Secretary