

**Village of Webster**  
**Zoning Board of Appeals Meeting Minutes**  
Meeting Minutes of October 20, 2016

Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

**Present:** Mark Nicholson, Bob Fantauzzo, Mike O'Connor, Karl Laurer, Atty. David Mayer, Building Insp./Code Enforcement Officer Will Barham, Deputy Clerk Jo O'Neill  
**Absent:** Bill Baker

Meeting came to order at 7:30pm.

Mark Nicholson asked for a motion on the minutes.

**Motion:** Mike O'Connor made a motion to approve the minutes from September 15, 2016 and September 19, 2016 as written. Seconded by Karl Laurer. All were in favor. Minutes were approved.

**1) Application:**

John MacLean, owner 137 Sanford St. Tax ID #080.13-1-35. Application to install an accessory structure 6' (feet) from property line. Applicant seeks relief from current zoning regarding required distance of accessory structures from property lines. Applicable zoning regulation 175-59 A. Property zoned R1-13.6.

**Presentation:**

John MacLean would like to install an 8ft x 10ft utility shed in their back yard 6ft from their property line. Due to the size of their yard, 10ft from the property line would put it too far into the yard. They would like a 4ft variance. The shed is a premade wooden A frame with windows, and has already been delivered.

M. Nicholson asked if they have spoken with the neighbors.

J. MacLean indicated that they have gotten signatures from the neighbors on all sides and across the street.

Karl Laurer inquired about the pad under the shed.

J. McLean replied that it is crushed gravel.

**Open to Public Comments:**

None noted.

## **Public Comments Closed:**

M. Nicholson asked for motions on SEQR and the 4ft side yard and rear yard setback.

**Motion:** Mike O'Connor made a motion to declare the ZBA as the lead agency for a Type II action under SEQR. Seconded by Bob Fantauzzo. All were in favor. Motion passed.

**Motion:** Bob Fantauzzo made a motion to grant a 4ft side yard and rear yard setback variance. Seconded by Mike O'Connor. All were in favor. Motion passed.

## **2) Application:**

Kathryn M. Juda, owner of 151-153 Orchard Street, Tax ID# 080.05-1-84. Applicant seeks to place a second shed on a parcel for a two-family home. Applicant seeks relief from current zoning regarding the number of allowable accessory structures per lot. Applicable zoning: 175-59(A). Property zoned R2-9.6.

## **Presentation:**

Kathryn Juda owns a 2 family, side-by-side home, and would like to install a second shed, 6ft x 8ft, on the property. They are currently sharing a shed with their tenants, and they have no room for their lawn mower, garden equipment, bikes and things. The tenant has had to put their things in the basement. Kathryn provided a photo of the new shed ("barn") and noted that the shed has already been delivered due to the delivery schedule of the company. It matches the house and is 12ft from the property line. It sits behind the house on the tenant's side, behind the deck and before the trees. The sketch provided is not accurate. She does have signatures from the neighbors.

M. Nicholson questioned whether other options had been considered.

K. Juda responded that building a garage, or extending the existing shed were possibilities, but they would still require a variance. A garage would be nice someday, but she is not able to build one now.

M. Nicholson noted that there are two driveways; one on Orchard St., and one on Woodstone Cir.

Will Barham added that both driveways were put in before his tenure with the Village, even though only one driveway is allowed per residence.

Bob Fantauzzo commented that the property is a two-family home with two entrances, two driveways and now two sheds.

Mike O'Connor expressed that it "mimics" two separate houses, and he would have liked to see the two sheds combined into one.

**Open to Public Comment:**

None made.

**Public Comments Closed:**

M. O'Connor asked if she would like to build a garage in the future. To which she replied yes. He then asked if we could make a condition of the variance that if a garage is built, one of the sheds must come down.

Atty. David Mayer responded that yes, it could be a condition of the variance.

M. Nicholson would have liked to see one shed increased in size, as opposed to two sheds on the property, but the second shed has already been delivered.

K. Juda said they could put the two sheds together. The first shed has a concrete floor. The second shed is just set on grass with a wood floor.

W. Barham added that the new shed has to be anchored with chains. It would have been better to put it on some kind of pad for moisture reasons.

M. O'Connor inquired whether the two sheds could be put together to make it appear to be one larger shed.

K. Juda replied that it's possible, but one has a gambrel roof, barn style, and the other is square with a flat roof. Both sheds are white with black trim. One shed is 8ft x 12ft and the other is 8ft x 10ft. If the new one was moved, it would make it possible to put in a gravel pad.

Further discussion continued regarding possible options: 1) approve second shed as is, 2) require an alternate placement putting the two sheds together, 3) approve the second shed with the condition that if a garage is ever built one shed must come down, or 4) deny the application all together. If the variance is denied, it creates a financial hardship for the owner who already purchased the structure. Once approved, a variance stays with the property.

Atty. David Mayer indicated that if either shed ever came down, the variance would be limited to the approved site plan. At that time, if the owner wanted to put up a new shed in a different location they would need a new variance.

M. Nicholson then asked for a motion regarding the shed.

**Motion:** Mike O'Connor made a motion to declare the ZBA as the lead agency for a Type II action under SEQR. Seconded by Karl Laurer. All were in favor. Motion passed.

M. Nicholson said that there is another option. The ZBA could make no motion on the shed, adjourn and come back with a full board to discuss it. They have 62 days to make a decision. If no action is taken within 62 days, the variance is deemed granted.

W. Barham offered another option of granting the second shed with the condition that if either shed needs to be repaired or replaced, they must get a new variance.

**Motion:** Mike O'Connor made a motion to approve a second accessory structure where it is, conditionally if a garage is ever constructed, one shed must be removed. Seconded by Bob Fantauzzo. The vote was as follows:

Mark Nicholson - Nay

Bob Fantauzzo - Yea

Mike O'Connor - Yea

Karl Laurer - Yea

Motion passed.

Discussion continued regarding how to educate people that they have to get an application approved by the ZBA before they buy and have structures built and installed. A denial only affects one person, and creates a financial hardship if they have already paid for the item.

W. Barham does inform applicants about the process when they fill out an application. They have often already ordered the structure before he sees them. Other times, they think the approval from the Planning Board is the final approval.

Ideas: We could put something like, "Did you know...", in the Webster Herald or Post to inform people. They also have a "Webster Living" monthly newsletter that we could put an article in. We could double the permit fee if a structure already exists.

We need to get people's attention. Zoning exists for a reason.

M. Nicholson then asked for a motion to adjourn the meeting.

**Motion to Adjourn:** Karl Laurer made a motion to adjourn the meeting. Seconded by Bob Fantauzzo. All were in favor. Meeting adjourned at 8:15pm.

The next Zoning Board of Appeals Meeting is scheduled for 7:30pm on November 17, 2016.

Respectfully submitted,  
Jo O'Neill, Deputy Clerk