

Village of Webster
Zoning Board of Appeals Meeting Minutes
Meeting Minutes of May 19, 2016

Community Meeting Hall
29 South Avenue
Webster, NY 14580

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

Absent: Mike O'Connor

Meeting came to order at 7:30pm.

Mark Nicholson indicated there are only 4 of the 5 members present, and will offer a delay of any decision to the applicant since one board member is missing.

Reviewed minutes from the 11/19/15 meeting.

Motion: Bill Baker made a motion to accept the minutes as written.
Seconded by Karl Laurer. All were in favor. Motion passed.

Application #1:

Deborah A. Kushner, owner, 59 Mohawk St. Tax ID# 080.17-1-69. Applicant seeks relief from current zoning regarding size of accessory Structures. Current code allows for 100sf. Applicant is applying for 192sf. Applicable Zoning Code: 175-59. Property Zoned: R1-13.6.

Presentation:

Deborah Kushner has limited storage space and wants to put up a 12' x 16' shed (84 Lumber shed kit), to replace an old 8' x 8' shed. She indicated that family members had started building the shed as a surprise while she was away.

Discussion Points:

M. Nicholson confirmed she is looking for relief from code 175-22, 23; which limits the size of a shed to 100sf. The new shed would be 192sf.

Applicant stated that she owns the shed, and is aware of the current Village code.

Will Barham indicated the Town code allows for 192sf sheds.

Applicant further indicated that the old shed has been removed, and she has spoken with her neighbors and acquired signatures from 8 of them in support of the new shed. No neighbors she spoke to objected to the new larger shed.

M. Nicholson offered the applicant the option of coming back in front of the Zoning Board for a vote, as there is one member absent.

Applicant indicated she wanted to proceed with the vote.

Bob Fantauzzo inquired about the color of the new shed.

Applicant replied either light yellow, or beige to match the house. In addition, she added that there is an 11' set back from the side lot line, the posts under the platform are 4' deep, and the new shed will be at the end of the driveway.

Bill Baker questioned why item #3 on the application was not checked, "Is the variance substantial?" He indicated that the size is almost double what the code allows, which is substantial.

W. Barham said that the Zoning Board typically determines if a variance is substantial. It is part of the five criteria's that the ZBA looks at when an applicant seeks a variance.

Open to Public Comments

Rick Walter commented that he understands the lack of storage problem, and is in favor of the variance.

Public Comments Closed

Motion: Bill Baker made a motion that the Zoning Board is the Lead Agency for this matter, and this is a Type II action under SEQR.

Seconded by Karl Laurer. All were in favor. Motion passed.

Motion: Bob Fantauzzo made a motion to grant a 92sf variance for the property listed.

Seconded by Bill Baker. All were in favor. Motion passed.

Application #2:

Atty. David Mayer indicated that NOCO's plans were amended, and they will not need a variance. Applicant has withdrawn their application.

Additional Board Discussion:

M. Nicholson reiterated that, "If a code is outdated, we should fix it. If not, we should enforce it."

W. Barham asked how we should determine a change in the code for accessory buildings? By lot size, or zoning? In the "Old Village", where lot sizes are small, it might not be recommended to allow larger size accessory buildings. Also, with townhouses (R2 zoning) they wouldn't be able to meet the set back requirements with larger sheds.

D. Mayer said we could potentially allow different code requirements for different zoning districts.

W. Barham has looked at sizes of "standard" shed kits, and very few are 100sf or smaller. Maybe we could consider increasing our code to 120sf to allow for the larger shed kits.

Announcements:

- Currently, there is nothing on the agenda for the June 16, 2016 ZBA meeting.
- The Planning Board is interested in having a joint workshop to discuss New Construction, and changing our code to require builders to complete projects. Currently, there is no set time frame for a developer/builder to complete a project.

- D. Mayer: indicated the Planning Board wants to put some mechanism in place to make sure a builder sticks to a project and finishes it. They have to start construction within six months, but there isn't anything in our code that makes them finish the project within a certain amount of time. A permit is good for one year, but a site plan approval never expires.

Motion: Karl Laurer made a motion to adjourn the meeting.
Seconded by Bill Baker. All were in favor. Motion passed.

Meeting was adjourned at 7:55pm.

Respectfully submitted,
Jo O'Neill, Deputy Clerk