

ZONING BOARD OF APPEALS MEETING

May 20, 2015

6:00PM

The meeting was called to order by Chairman Bill Gabak at 6:00PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

William Gabak, Chairman  
Phil DelloStritto  
Kathy Taylor  
Fritz Allen  
Neal VanLiew

Also in attendance: Don Bowen, Zoning Inspector  
Joe Flaherty, Alternate Member  
Mike O’Hora  
Randy Sroka  
John & Sandra Bertonica  
Alan Edmunds  
David Ross

Kathy Taylor made a motion to approve the minutes of March 19, 2015 as presented by ZBA Clerk, Cindy Schiminske, seconded by Chairman Gabak. Approved AYES 5-0.

The purpose of this meeting was to hear the following requests:

1. **Randy Sroka**, 9 Rosewood Drive, Tax Map #130.05-1-10.26, is requesting a variance for an 8 ft tall fence, which exceeds the maximum of 6 ft allowed. Ref Town of Fleming Zoning Code: 7-16 A(3).

Mr. Sroka indicated that his back yard goes up to Sand Beach Road, which is a very busy road. The property also slopes down to the drainage ditch. He would gain more privacy with an 8 ft fence. Also, there is a precedent set as his next door neighbor has an 8 ft fence on his back property line. Mr. Sroka does not plan to have 8 ft all the way around. It would be 6 ft on the sides adjacent to his neighbors. He plans on just doing the back line this year and then they would eventually enclose it with 6 ft panels on the sides. It would be a white vinyl fence.

John Bertonica, a neighbor, just wanted to confirm that it would only be 8 ft on the back of the property and 6 ft on the sides. He did not have a problem with that.

A motion was made by Kathy Taylor to vote on this request and seconded by Chairman Gabak. Roll call vote was taken by the Board.

**MOTION APPROVED 5 AYES 0 NAYS**

2. **Michael O’Hora**, 5884 West Lake Road, Tax Map #130.10-1-15.111 is requesting a side yard variance of 6.7 ft from the required 20 ft for the replacement of a garage. Ref. Town of Fleming Zoning Code: Bulk & Use Table Lakeshore District.

Mr. O’Hora indicated that his garage had collapsed in February with the heavy snow load. He cleaned it up without realizing that he couldn’t replace it without a variance. There is a concrete slab left which was underneath the garage. There’s a partial building on the rear of this slab. He would like to put a new garage up and attach the building to the new garage. The original garage was 24’ x 24’. This garage would be 25.6’ because the slab went outside the old garage. This would be a two car garage, with a pole barn construction. He would put the same siding and roof as what is currently on his house. The shed out back would be sided as well and attached to the new facility. Chairman Gabak presented letters from Mr. O’Hora’s neighbors, Sam Tamburo and Ezio Leonardi, which indicated that they had no issues with this project.

Mr. O’Hora indicated that if he had to replace the slab, the price would be \$6,500 plus he would have to move his driveway. He really doesn’t want to have to do that and bear the additional expense. The structure had been there for 40 years and he would be using the same footprint. He indicated that the nearest building to this structure, other than his house, would be Sam Tamburo’s residence. The other property near to the structure is a small, vacant, unbuildable lot owned by the Byers.

Don Bowen questioned that if they drew a line from the property line to the pad and then the property line to the building, would it be the same distance? Mr. O’Hora indicated that it would not be. The pad is 4 or 5 inches outside the original building. When he bought the property, it didn’t have a concrete floor in it. He had the garage jacked up and a slab poured underneath it. He would be building on poles and not off the cement. The poles would sit outside the concrete. As the poles would be 4 x 6, that would make him another 6 “ closer to the north property line.

Some of the Board members had concerns about going outside of the slab. Mr. O’Hora indicated that he could build on top of the slab, or notch the concrete and stay inside of it. The Board wants to keep the same original distance of 6.7’ from the property line on the north side.

Mr. Edmunds, a neighbor, was there to support the project.

David Ross expressed concerns about some of the variances that had been given for big, large buildings on Silver Street and West Lake Road. Phil DelloStritto said that we needed to stick to the issue at hand. Mr. O’Hora’s project didn’t fit into that scenario.

Motion made by Neal VanLiew that they accept the variance of 6.7’ if he doesn’t get any closer to the north property line, seconded by Phil DelloStritto. Roll call vote was taken by the Board.

**MOTION APPROVED 5 AYES 0 NAYS**

Motion to adjourn made by Bill Gabak, and seconded by Kathy Taylor. All in favor. Time was 6:23PM.

Respectfully submitted,

Cindy Schiminske  
Clerk, Zoning Board of Appeals