

ZONING BOARD OF APPEALS MEETING

April 21, 2016

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, Jr., Chairman  
Phil DelloStritto  
Kathy Taylor  
Neal VanLiew  
Fritz Allen

Also in attendance: Joseph & Alicia Wilson  
Stephen Jordan  
Don Bowen

Chairman Gabak made a motion to approve the minutes of January 21, 2016 as presented by ZBA Clerk, Cindy Schiminske, seconded by Kathy Taylor. Approved AYES 5-0.

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

1. **Joseph Wilson**, 7 Rosewood Drive, Tax Map #130.05-1-10.25, is requesting a side yard variance of 5 ft from the required 10 ft for the placement of a 12' x 16' storage shed. Ref. Town of Fleming Zoning Code, Bulk and Use Table R-1.

Mrs. Wilson explained that they would like to place the shed at the northeast corner of their lot. It runs along the perimeter of their fence. She stated that basically the most level area that would require the least excavation and the least cost to them would be to place it slightly closer to the property line. Their property extends beyond their fence to the drainage ditch on Sand Beach Road. It would be a prebuilt shed and would match the siding on the house. Mr. Bowen stated for the record that the Wilsons' house is 2500 sq ft, so 20% of the floor area is greater than the shed size, and therefore acceptable.

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

**MOTION APPROVED 5 AYES 0 NAYS**

2. **Stephen Jordan**, 4708 West Lake Road, Tax Map # 144.00-1-43, is requesting the following variances in order to add an accessory structure to his property: a side yard variance of 10 ft from the required 20 ft; a variance to locate the structure in the "front yard"; and a variance to locate the structure less than 50 ft to the mean high water mark of Owasco Lake. Ref. Town of Fleming Zoning Code, Bulk & Use Table Lakeshore District, and the Owasco Lake Watershed Overlay Requirements as set forth in said Zoning Code.

Mr. Jordan indicated that he and his wife are moving here and this will be their retirement home. This house has no garage and no basement so they need storage space for power tools, lawn

equipment, etc. The shed would be about 60ft from the lake and 20 ft from the house. He has a FEMA map that shows where it should be located to be out of the flood area, so he won't have to have flood insurance. The creek that runs on the side of their property will be changed. They have DEC permission to put a wall in to reduce the flood zone on that side, partly because it's all steel pipes and old railroad ties. They are going to tear all of that out, put block wall down and fill it back in up to the grade of the house.

Mr. Jordan stated that the shed would be about 12' x 20'. He wasn't sure as they didn't really shop until they knew they could do that. They wanted something appealing that has a really nice look and referred to the pictures that he had given the Board. One of the Board Members questioned if the neighbors had any objections and Mr. Jordan indicated not that he knew of. He did check with one neighbor a couple of houses over and he didn't have an objection. Mr. Jordan stated that they are putting it far enough back and there are big trees in that area and the shed would not block the lake view. If he went 20 ft from the property line with the shed, it would be dead center in front of the house. One of the Board Members questioned why it couldn't be put up by the road but Mr. Jordan explained that they were eventually hoping to put a garage there. Discussion was had about whether or not the garage would be attached to the house. If not, it would be considered a separate accessory structure. Mr. Jordan was informed that the 20% is cumulative from the structure he is proposing now to the second accessory structure, so it would increase the ratio of proportion of the accessory structure size to the size of the house. Setbacks and greenspace would also have to be considered.

Chairman Gabak stated that he was very reluctant about letting the shed go up in the front yard towards the lake. It would be restrictive to the view. Nobody else from the creek all the way to the last house on the point has anything in their yard. Everything is located from the house to the road. There is an exceptional view at this location. One of the Board Members also expressed his concern about the view from the lake to the shore.

Mr. Jordan chose not to have a vote at this time as he is not sure of location or what he actually wants to do and he would like to look at alternatives. He might come back at a later date.

Chairman Gabak made a motion to adjourn the meeting without voting on this variance application until such time that we hear back from Mr. Jordan with some other options, seconded by Kathy Taylor. All in favor.

Motion to adjourn made by Bill Gabak, and seconded by Fritz Allen. All in favor. Time was 6:40 PM.

Respectfully submitted,

Cindy Schiminske  
Clerk, Zoning Board of Appeals