

ZONING BOARD OF APPEALS MEETING

January 18, 2018

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
Neal VanLiew
Kathy Taylor
Fritz Allen
Ernesto Rivera, Alternate
Phil DelloStritto, absent

Also in attendance: Don Bowen, Zoning Officer
Michael Robinson
Bob Delaney
Nikki Weaver
Suzanne Subtelny

Chairman Gabak made a motion to approve the minutes of November 30, 2017 as presented by ZBA Clerk, Cindy Schiminske. Approved AYES 5-0.

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

Michael Robinson, 6010 Dunning Avenue, Tax Map # 122.00-1-7.21, is requesting a south side yard area variance for the construction of a 24' x 40' garage. The proposed garage would be located 15 ft from the property line instead of the required 25 ft. Ref. Town of Fleming Zoning Code, Bulk and Use Table, R-2 District.

Mr. Robinson explained that he was here a couple of months ago and his application was denied. He went back and looked a lot more at his options. He spoke with some different construction people, took a little bit closer measurements and looked as to where he could wiggle things a little bit. He's come back with a 10 foot variance.

He pointed out on a diagram where he could put the garage without a variance, inside the 25 foot buffer zone. The issues are that with a 3 car/storage garage, building it that way would not give him a way to turn around. He would have to drive in from the front end. There would be 2 garage doors on one end and then another garage door on the back end; so he would have to drive all the way around it. He stated that you can't turn in a 32 foot radius so you would have to do a three point turn to drive in the other end of the garage. The construction, excavation work and driveways would cost more money. It would be really inconvenient and not what they want to set up. By moving it 10 feet further away, he has a couple of different options. Moving it 10 ft away from the driveway, he could do a right hand turn from the driveway into the garage. There would be three standard garage doors facing the house in basically the same position. Also, he could have the three doors facing the road.

Robert Delaney, a neighbor, voiced his opposition to the project. Mr. Delaney's daughter, Suzanne Subtelny, and granddaughter, Nikki Weaver, also stated that they were opposed to it. They felt that it was a self-created hardship and there was no reason why he couldn't place it somewhere else on his property to keep the garage within the zoning limits, as he has 3.2 acres. Mr. Robinson indicated that he had looked at many other options such as having two garages, one on the side, one in the back, etc. but this was the option that worked best for him, both for convenience and cost. There was further discussion among all parties as to the different options for the placement of the garage.

Chairman Gabak made a motion to vote on the requested variance, seconded by Neal VanLiew.

Roll call vote was taken by the Board.

Ernie Rivera	NO
Neal VanLiew	NO
Fritz Allen	YES
Kathy Taylor	NO
Chairman Gabak	NO

MOTION DENIED

Chairman Gabak made a motion to adjourn the meeting, seconded by Kathy Taylor. All in favor. Time was 6:25 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals