

ZONING BOARD OF APPEALS MEETING

September 20, 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  
Phil DelloStritto  
Kathy Taylor  
Ernesto Rivera, Alternate

Neal VanLiew, absent  
Fritz Allen, absent

Also in attendance: Don Bowen, Zoning Officer  
Robert Colbert, Jr.

Chairman Gabak made a motion to approve the minutes of August 16, 2018 as presented by ZBA Clerk, Cindy Schiminske. Approved AYES 4-0.

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

Robert S. Colbert, Jr. of 1823 Fleming Scipio Town Line Road, tax map #142.00-1-20, has requested a clarification of the Town's Zoning Law as it relates to the definition of a yard, specifically yard, front. He is not seeking a variance at this time, but a clarification of the definition.

Mr. Colbert stated that he wanted to put a building in his yard but was denied a building permit because of the fact that the structure would be in his front yard. He stated that the definition in the zoning code is that a front yard "is a yard between a structure and a street line and extending the entire length of the street line." His street line is 25 feet and he doesn't see how, where he wants to put his building, it would be considered in the front yard. Mr. Bowen's interpretation is that it would seem unusual or difficult or unreasonable to think there was a property with a 25 ft front yard. He doesn't disagree with the definition but to him, as the Zoning Officer, it would seem an unreasonable way to reach the definition of a front yard for this particular property.

Chairman Gabak views the 25 ft as the driveway ingress/egress to and from Mr. Colbert's flag lot property. He could never build on that property as there is a 25 ft side yard setback and the property is only 25 ft wide. It's not a front yard because there is a 25 ft side yard setback from one side to the other; it's taking this away as a front yard. It's not a front yard, it's ingress and egress. The way that Chairman Gabak would interpret it is that the 321.5' property line closest to and running parallel to Town Line Road would be considered his front yard.

Mr. Colbert mentioned contacting the town's attorney regarding this matter. Chairman Gabak informed him that they did contact the attorney for Fleming's zoning issues and that it was his opinion that the front yard would be the 321.50' property line, not including the 25' back to the house; so the place that Mr. Colbert wants to put the building would be in the front yard and the laws don't allow that.

There was further discussion about the interpretation of the law and the reasons why you can't build in the front yard.

Chairman Gabak advised Mr. Colbert that he could apply for a variance if he wished.

Chairman Gabak made a motion to clarify that the 321.5' property line closest to Town Line Road is Mr. Colbert's front yard, seconded by Kathy Taylor.

Roll call vote was taken by the Board:

Phil DelloStritto	YES
Ernesto Rivera	YES
Kathy Taylor	YES
Chairman Gabak	YES

MOTION APPROVED

Chairman Gabak made a motion to adjourn the meeting, seconded by Kathy Taylor. All in favor. Time was 6:40 PM.

Respectfully submitted,

Cindy Schiminske  
Clerk, Zoning Board of Appeals