

Town of Bristol
Zoning Board of Appeals
September 11, 2018

Members Present: Marty Snyder, Steve Smiley, Donna Beretta, John Krebbeks, Jen Sanford and Sandra Riker

Guests: Tom and Diane Schwartz, Brian Boorman

Minutes: The minutes of July 10th were approved with a motion made by Steve Smiley and a second from Donna Beretta. All Board members present agreed.

Schwartz Area Variance:

Tom Schwartz advised the Board he would like to build a 2 bay garage/pole barn next to his home at 7537 Route 20A in the town of Bristol. Due to the irregular front lot line created by the State D. O. T. in 1965 reducing his front property line to less than would be 75' he is requesting an area variance to place the closest corner of the building at 14' from the front lot line. He went on to tell the Board due to the placement of another shed type building at the back of his property and location of well and septic system there is no other place to put the proposed 28' x by 32' building.

The Chairman opened the public hearing. Mr. Boorman told the Board he lived across the road from the Schwartz property and was concerned that building so close to the property line would create a runoff problem that could affect his well. This is addressed in the comments from Greg Trost of the NYS Department of Transportation explaining there is a ditch in the ROW in front of 7537 Route 20A.

Mr. Trost offered the following comments in correspondence received prior to the meeting: "The NYSDOT designed a job and built it around 1965. At that time, the thinking was to buy enough ROW so to include our drainage, except for areas that go perpendicular way back off the road. There, we obtained permanent easements for drainage. So, looking at that area, it appears that the ROW is about 82'-85' from the centerline of the road. And the plans do show a ditch in the ROW in front of 7537 Route 20A.

As for setbacks, there really is no set back from a NYSDOT perspective. The only time this comes into play is where someone builds so close to the ROW, some appurtenances of a structure are actually in the ROW (overhangs, etc.), or, where vehicles are parked continuously in the ROW. This last situation typically only occurs in Village settings or along the lake. My take is whatever the municipalities have in their code for setbacks that works for us. As for a variance, most boards use reasonable and prudent decisions to determine how far someone's buildings can come to the ROW, being consistent and all that with each property owner. There is no hard and set rule when it comes to setbacks from the NYSDOT, besides no structures in our ROW. We do not have any plans at this time to widen Route 20A."

This application was also presented to the County Planning Board due to its location on a State Road. The following comments were made by them: "grant only the minimum variance needed to comply and there will be no additional involvement from the County.

There were no further comments from the Board members, so the public hearing was closed.

The short form assessment form was reviewed and a Negative Declaration was made with a motion by Marty Snyder and a second by Jen Sanford. All Board members agreed.

The requirements for an area variance were then reviewed and results as follows:

1. Will an undesirable change be produced to nearby properties, all Board members said no.
2. Could an alternative location be a feasible choice, all Board members said no.
3. Is the Area Variance Substantial-all Board members said yes given it is a request of 81% of the required distance.
4. Does the area variance have an adverse impact on the physical or environmental conditions in the neighborhood-all Board members said no.
5. Is the alleged difficulty self-created-all Board members said no it is due to the nature of the property and changes created by the State D.O.T. in 1965.

A motion was made by Marty Snyder to grant an area variance of 61' from the front property line to the closest corner of the building creating a 14' set back from the front property line. A second was made by Donna Beretta. All Board members agreed.

Other Business: Marty wanted the Board to consider moving the meeting night to later in the month, due to the conflicts that sometime arise with the Town Board needing to meet on sometime other than the second Monday. This would also allow for timely decisions from the County Planning Board to be taken into consideration for our applications needing review by them. The Board tentatively agreed on the third Tuesday of the month instead of the current second Tuesday. However, the October meeting will be held on Thursday, October 11th due to Columbus Day weekend.

Respectfully submitted,

Sandra Riker

Secretary to Town of Bristol

ZBA Board

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