

Town of Bristol
Zoning Board of Appeals
October 18, 2016
Minutes

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

Others Present: Norman & Marilyn Davenport, Jesse & Jessica Lyon

Minutes: The minutes from June 14, 2016 were approved as written with a motion by Jen Sanford and a second by John Krebbeks. All Board members present agreed.

Davenport Area Variance:

Norman Davenport advised the Board that he would like to put a 28' square pole barn on his property at 6711 Vincent Hill Road and because of the slopes on the parcel the building would have to be placed at 78' from the centerline of the road. The normal front yard setback for an accessory structure would 108' so he is requesting a 30' reduction for the front yard setback. All other setbacks for the building are met.

The Chairman opened the public hearing and there were no comments from anyone present. The Secretary advised him that there had been no response from the neighbors within 500' of the Davenport property. The public hearing was closed.

The Board then reviewed the criteria for an area variance and the following responses were recorded:

1. The Board agreed there would be no undesirable change to the neighborhood or detriment to nearby properties.
2. The Board agreed there is not a feasible alternative to the variance request because of location of septic system and steep slopes on the parcel.
3. The Board agreed that the request is substantial in nature as he is requesting a 40% reduction in the setback requirement.
4. The Board agreed the variance does not have an adverse impact on the physical or environmental conditions in the neighborhood as there are other barns in the area.
5. The Board agreed the alleged difficulty is not self-created but a result of the physical condition of the parcel.

The Board then reviewed the Short Form Environmental Form and after answering all of the questions in part 2 a negative declaration was declared with a motion made by Jen Sanford with a second by Steve Smiley. All Board members present agreed.

The following resolution was then created and provided for the Davenports to place a 28 square foot pole barn on their parcel at 6711 Vincent Hill Road at a reduction of 30' from the required 108' setback to the center line of the road.

October 19, 2016

Whereas, the Zoning Board of Appeals met on October 18, 2016 with Norman Davenport to review his application for an area variance requesting a 30' reduction to the front yard setback to place a 28' x 28' pole barn on his tax parcel # 110.14-1-20.000 a/k/a 6711 Vincent Hill Road in the A-C district of the town, and

Whereas, all other setback requirements will be met, and

Whereas, a public hearing was held and there were no comments from the group present or replies to the neighbor notification letters sent by the Secretary to all neighbors within 500' of his parcel, and

Whereas, it was determined that there will not be an undesirable change to the neighborhood or detriment to nearby properties by Mr. Davenport putting up a pole barn for his use, and

Whereas, it was determined that there is no feasible alternative to a variance given the location of the septic system on the parcel and steep slopes to the rear of the parcel, and

Whereas, it was determined that the variance request is substantial in size and amounts to a 40% reduction in the front yard setback, and

Whereas, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood as there are other barns and similar accessory building in the area and

Whereas, the alleged difficulty is not self-created but as a result of the nature of the property being of steep slopes, and

Whereas, the short form assessment review was done and a Negative Declaration declared,

Therefore, an area variance in the amount of a 30' reduction to the front yard setback is approved by the Zoning Board of Appeals for Norman Davenport to place a 28' square pole barn at 78' from the centerline of Vincent Hill Road at 6711 Vincent Hill Road.

Informational meeting with Jesse Lyon regarding the definition of home occupation as an allowed use in the A-C district of the town:

The background for this meeting is Jesse got a permit to put up a 48' x 72' pole barn in July of 2015. When he applied for the permit he was not aware that there would be a problem with using the building as a base for his business. There were complaints addressed to the CEO but not to Jesse directly and in December of 2015 the CEO requesting verbally that Jesse cease his business at that location until a determination could be made regarding its use. Since then he has been operating his business in a 300' space not located within the town of Bristol. He would like to be able to resume his business at his home location and is asking the ZBA to help him with this process.

Jesse advised the Board he manages a small business called Relyon that manages zombie properties for several banks in the area. He has a couple of family members that do the work with him as well. They go out in teams of two to properties from the Buffalo area to Syracuse and south to the Pennsylvania line. The only activity that is conducted at his property on Case Road is the storage of supplies such as coded locks needed to complete their jobs and each bank has its own equipment they must use. He receives his orders and supplies via the internet so there is an occasional delivery truck at the property. Any traffic to the barn would be minimal and mainly between the hours of 8-9 am and 4-5 pm. There would be no more than two employee vehicles parking at a time, there will be no exterior flood lighting or signage on

the property, no customer relations or production. He assured the Board the exterior of the property would be kept clean and free of debris. There is a dumpster on the parcel for trash. Chairman Snyder explained to Jesse that under NYS Town Law 267A-4 this meeting would be informational only as the Board has not received an appeal to an order, decision, interpretation, or determination request in writing by the Code Officer.

The Board then reviewed the definition of a Home Occupation and a Junkyard as found in the 2011 Zoning Regulations for the Town of Bristol. They are as follows:

Home Occupation: Any activity carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation shall be conducted entirely within the principal dwelling unit and/or in a properly permitted, approved, and fully enclosed accessory building. The accessory structure may not exceed 750 square feet and must be of similar construction, architecture, and materials to the main dwelling unit.

Junkyards: Any property or place where the business of a junk dealer or salvage dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise transfers junk or salvage material other than wholly within an enclosed building. In addition, a junk yard shall include property used for the storage of impounded, abandoned, partially dismantled, obsolete or wrecked automobiles – other than wholly within an enclosed building. The outdoor storage of any of the following is included in this definition:

- a. Two or more junk vehicles;
- b. Two or more abandoned mobile homes or recreational camping vehicles;
- c. Two or more abandoned all-terrain vehicles or snowmobiles (as defined in the NYS Vehicle and Traffic Law);
- d. Five or more inoperable appliances including, but not limited to, lawn and garden machines, washers, dryers, dishwashers, stove, refrigerators, freezers and televisions;
- e. Five or more inoperable pieces of equipment;
- f. Collection and storage of any second-hand or used material which, taken together, equal in bulk volume of 2000 cubic feet or more;
- g. Any combination of the above that totals five items.

The Board agreed that the definition of a junkyard did not fit this situation and the business would fit as an allowed use in the A-C district of the town under a home occupation. They believe it would be helpful if the Code Officer makes a determination if it is acceptable to partition off 750 square feet of the building for a home occupation.

Other Business: The Board discussed the idea of having a flow chart showing the process to aid applicants who need to come before the Board for an Area Variance, Use Variance as well as a Special Use Permit.

The Secretary told the Board that in the current comprehensive plan it is suggested that the ZBA Board at the end of a year provide the Code Officer, Town Board and Planning Board with a

list and description of the activities reviewed by them in the course of the year. This would provide a platform to initiate potential changes in zoning codes to make it friendly to growth in the town.

A motion to adjourn to was made by Jen Sanford with a second by John Krebbeks.

Respectfully submitted,

Sandra Riker

Town of Bristol

ZBA Secretary

The minutes of October 18, 2016 were approved with a change being made regarding the spelling of Lyons to Lyon and approved by a motion made by Steve Smiley and a second by John Krebbeks. All Board members present agreed.