

Town of Bristol
Zoning Board of Appeals
June 10, 2014

Members Present: Marty Snyder, Chairman, Patti Giordano, Steve Smiley, Mary Costa, and Secretary Sandra Riker
Absent: Jen Sanford

Others Present: Robert Woodford, Sr.

Minutes: The minutes of December 10, 2013 were approved with a motion by Steve Smiley and a second by Patti Giordano. All Board members present agreed.

Area Variance: Robert Woodford, Sr. Tax map # 152.00-2-7.112

The public hearing was opened by the Chairman. Mr. Woodford advised the Board that he would like to have a 24' x 30' pole barn placed on his land, map # 152.00-2-7.112 located on State Route 64 in the Town of Bristol. The barn will be used for storage, and it will not need electric or water. After the informational meeting with the Board in May, Mr. Woodford said he could move the barn over from his original placement so it will meet the 25' side yard setback. However, due to the steep slopes on this parcel he will need an area variance of 33' for the front yard setback. The building will be 42' from the R.O.W., and a minimum of 75' is required under code regulations. Mr. Woodford owns the lots either side of this one; however, they have never been combined. All three lots are non-conforming in size; if they were combined he would have one lot that would meet zoning standards for a single building lot.

Comments from Ontario County Planning and Ontario County Soil and Water:

- Owner of property owns adjacent parcels. The access to the lot with the proposed barn is currently depicted via the neighboring parcel. If this access is to remain the lots should be consolidated or an access easement needs to be provided.
- If the lots are not consolidated the parcel has no primary building, only an accessory structure. This needs to be verified to ensure the Code allows such development.
- The current variance request references a set back from the road centerline which is inconsistent with the Town code. The variance should be re-measured from the appropriate location to determine the correct variance footage being requested.
- Based on the plans provided it is unclear whether any change to the driveway's curb cut is being proposed. Any changes need to be done with the approval of NYSDOT.

OCSW

At the request of the Town, OCSW visited the property. Based on their observations they provided the following recommendations;

- Silt fence should be installed just below the entire top of the slope to the road prior to construction
- Do not disturb the slope
- Enhance vegetation on the entire slope post construction

-Address roof and driveway runoff water.

Comments from the Code Enforcement Officer:

He suggested that a French drain could be placed around the barn to add in collecting and channeling any runoff from the building. He also suggested the DOT would need to be consulted with regard to the entrance off the main driveway.

Comments from Greg Trost of the NYS Department of Transportation:

Trost, Gregory J (DOT)

To Me

Jun 11 at 10:52 AM

Hi Sandy,

In regards to our conversation, if this homeowner is sharing a driveway with an existing driveway, and there is no work to be done in the State right-of-way, then no highway work permit is needed from the NYSDOT.

If you have any further questions, please do not hesitate to ask.

Have a great day!

Greg

There was one reply to the neighbor notification letters sent out regarding this variance and it was negative but the respondent did not include their name or address, making it of little consequence.

The Public Hearing was then closed.

The Board asked Mr. Woodford if he would be receptive to combining the three parcels and he said he would do that. The Secretary provided him with a parcel combination application to be filed with the Planning Board at their next meeting on July 7th.

The Board then reviewed the Area Variance as follows:

1. Regarding Undesirable Change-see comments from soil and water, DOT, all Board members agreed no.
2. Could there be an alternative location- All Board members agreed no based on the lay of the land and the steep slopes to the back of the property.
3. Is the request substantial? The percent of request is 40% and all agreed it is substantial in nature.
4. Does the Variance have an adverse impact on the physical or environmental character of the neighborhood? All Board members said no even though there had been one negative comment from an unidentified neighbor.
5. Is the difficulty self-created? All Board members said no it is because the lay of the land.

The Board then reviewed the SEQRA process: They answered no to all questions but with regard to question 10 potential for erosion, flooding or drainage problems they agreed there

could be a small impact but felt it would be addressed by Mr. Woodford following the guidelines suggested by Ontario County Soil and Water. A Negative Declaration was then declared with a motion by Patti Giordano and a second by Mary Costa. All present Agreed.

A motion to grant a conditional approval for the Area Variance of a front line setback reduction of 33' was made based on the approvals and guidance of the County Planning Board, Department of Transportation, and Ontario County Soil and Water and Mr. Woodford will be combining the three non-conforming lots into one conforming lot. This motion was made by Patti Giordano with a second by Steve Smiley. All present approved.

July meeting date: Chairman Snyder will be out of town at the prescribed meeting time and asked if the Board would consider a different date to meet. It was agreed the July meeting of the ZBA will be held on July 15th at the usual time and place.

A motion to adjourn the meeting was made by Patti Giordano and seconded by Mary Costa.

Respectfully submitted,

Sandra Riker
Secretary to the ZBA
Town of Bristol

The minutes of June 2, 2014 were accepted as written with a motion by Steve Smiley and a second by Patti Giordano. Board polled as follows: Smiley aye, Giordano aye, Costa aye, Snyder aye, and Jen Sanford abstained.