

Bristol Zoning Board of Appeals

Meeting of July 14, 2015

July 14, 2015

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

**Others:** Pete Wojtas, Town Attorney Bill Kenyon, Matt & Owen McDonald, Daniel & Robert Gray, Keith & Marianne Maynard, Amy Force, David & Ellen Laurenza, Mike & Deborah Sweeney

**Minutes:**

The Minutes of the June 9<sup>th</sup>, 2015 ZBA meeting were approved with a motion by Marty Snyder and a second by Steve Smiley at the July 14, 2015 meeting after the following changes were made to the Draft minutes of June 9:

- 2<sup>nd</sup> line from the bottom of page one should read the County Planning Board not they
- Clarification in the 2<sup>nd</sup> paragraph the Board noticed the description in the 2011 zoning regulations did not match the map showing the 1972 outline of the L-I district on State Rte. 20A at Buckelew and County Road 32. All Board members approved.

**Town Attorney Interpretation of 2011 zoning map and use description of the L-I district on State Route 20A at Buckelew Road and County Road 32:**

Bill Kenyon, Town Attorney provided the Board with a drawing depicting the 1972 verbiage that matches the map drawing in both the 1972 and 2011 versions of the Zoning Regulations explaining that they did agree. The problem was found in later versions of the use descriptions passed down through the revised zoning regulations. It was discovered the original description included the term "at right angles", in 1992 the description was left out of the regulations and when amended in 1997 the term "at right angles" was omitted and started the confusion. His recommendation would be to have the Town Board due a clarification amendment to go back to the original verbiage from 1972 to agree with the mapped drawing of the L-I district.

Mr. Kenyon said it had been brought to his attention that the written description for the L-I district on State Route 64 where Eagle Mountain is located had been left off the zoning regulations. He has obtained the "schedule A" from the mortgage for that property and would be willing to map the description for the Town to make sure it matches the mapped L-I zone on State Route 64.

Mr. Kenyon asked the Board to review the map and descriptions to see if they had any other concerns and let the Secretary know prior to the August Town Board meeting (August 10, 2015) so all mapping and description issues can be addressed by the Town Board through a public hearing at their September meeting (September 14, 2015).

**Laurenza Area Variance:**

David Laurenza advised the Board that he would like to construct a 32' x 48' pole barn with a 12' lean to on the east side of the building. This is closer than the accepted 75' from the front property line at the R.O.W. on Case Road in the town of Bristol and will require an Area Variance. He explained to the Board he is asking for a 40' reduction in the setback due to the steep slopes on the parcel. Case Road runs north and south and there is no way for him to rotate the building to fit into the required setback because much of the land is fill dirt and he would like to keep the building on virgin ground to provide solid foundation for the barn. He said the northwest corner of the building will be the closest to the road and it would be 35' from the front property line.

The Public Hearing was opened by the Chair. There were no comments from the public and the Board had no further questions. The Public Hearing was then closed.

***SEQRA: The Board declared themselves as the Lead Agency for this action. They addressed questions 1-11 of the Part 2 Impact Statement and all agreed that all questions had no, or small impact with regard to this project. A motion was made by Marty Snyder to declare a Negative Declaration as this action will not result in any significant adverse environmental impacts. This was seconded by Donna Beretta and approved by all Board members.***

***The following motion was made by Jennifer Sanford with a second by Donna Beretta. All Board members agreed:***

***Whereas, a public hearing was held to review the Area Variance request of a reduction of 40' from the front property line setback requirement of 75' and,***

***Whereas, there was no comment from the public, and***

***Whereas, the Board reviewed the criteria and determined there was no other feasible location to place the proposed pole barn of 32' x 48' with a 12' lean-to on the east side due to the parcel being on a hill, and***

***Whereas, the variance requested is a substantial one of 53%, however the parcel is on a slope both to the north and east fill has been brought in to level the area, and***

***Whereas, the applicant is trying to place the pole barn on virgin soil for the most stability, and***

***Whereas, the Environmental Impact Statement has been reviewed and a Negative Declaration declared by the Zoning Board of Appeals,***

***Therefore, the Zoning Board of Appeals has agreed to grant an Area Variance of 40' from the front property line in order for David Laurenza to place the pole barn at 35' from the front property line at 4491 Case Road, also known as tax map # 124.00-1-21.090.***

**Daniel Gray Area Variance:**

Daniel Gray advised the ZBA Board that he wishes to build a home with a garage attached on tax map parcel # 137.00-01-18.000 at the corner of East Hall Road and Ganyard Hill Road. He states that the front lot line will face Ganyard Hill Road (facing east) making the rear lot line to the west, and side lot lines facing north and south. The driveway for this house comes off East Hall Road and the address will be on East Hall Road per Ontario County 911. His father Robert Gray shared with the Board that all the mail boxes for East Hall Road residents are located on Ganyard Hill.

The Variance request is for the north lot line as it is only 30' from the property line. The neighbor to the west (Owen McDonald) owns the 49' R.O.W. that opens to his parcel # 137.00-1-15.000. Robert Gray was unaware that Daniel would also need a variance from the west line because the Zoning Secretary had told Robert incorrectly Daniel would only need a 50' distance to that line and Daniel had proceeded to have fill brought in to create a base for the raised bed septic system for the proposed home. Daniel told the Board he had been advised by his septic engineer that the fill would need to go through a freeze thaw cycle in order to settle properly. The fill was supplied by the Town Highway Department last summer. The trucks will only go in a short distance off the road to prevent getting stuck. In this case only to the edge of the driveway which puts the fill in an area just in front of the proposed house.

Public Hearing was opened. Secretary read comment from neighbor Carl Benson "I am requesting clarification as to the direction the variance is requested since this parcel is a corner parcel with frontage on Ganyard Hill Road and East Hall Road. What direction is the front of the structure facing to determine the "side yard? Then describe the side yard variance direction. Is it north, south, east or west? Please advise." Dated 7/14/15

Matt McDonald also requested to address the Board with concerns that he and his Father Owen share with the placement of the proposed house and its proximity to the lot lines of parcel 137.00-1-15.000 owned by Owen. The proposed distance of 50' from the west lot line and 30' from the north lot line as shown on the map presented by Daniel Gray.

There was also mention of a transportation line for Honeoye Storage that runs along the parcel on the south corner of Daniel's lot. This would also effect the placement of the house and garage.

After much discussion between the Grays and the McDonalds the Chairwoman asked if the Board would be comfortable with leaving the public hearing open and tabling the Variance request to be held over to the next ZBA meeting in order to get some clarification to some of the comments made concerning the parcel and the variance.

***A motion was made by Jennifer Sanford with a second by Marty Snyder to table the Variance request to the next ZBA meeting so the following issues could be clarified for the Board:***

- ***Clarify the status of East Hall Road (abandoned private road or qualified abandoned) as to when and how it became a private road.***

- **Have Robert Gray provide the documentation stating the Town of Bristol abandoned East Hall Road and gave ownership back to the residents of East Hall Road, if this is the case then a private road agreement should have been filed with the Town and the State of New York.**
- **Clarify who owns the R.O.W. to the north and south of 137.00-1-18.000**
- **What are the setback requirements for building near a gas transmission line that is owned by Honeoye Storage?**
- **Which road Ganyard Hill or East Hall Road provide the front setback for parcel #137.00-1-18.000**
- **Would like Daniel Gray to submit engineered plan for proposed septic system.**

**Other Business:**

Questions were raised by the Board to the Code Enforcement Office with regard to the new brewery on the Wizard of Clay parcel at the corner of County Road 32 and State Route 20A as follows:

- Change of use for Wizard of Clay property-more than one business being conducted there, i.e. Brewery as well as the Wizard of Clay
- Why a Site Plan was not requested for review by Planning Board regarding the new business?
- What is happening with regard to Brewery, and what additional permits or approvals does the business need from other agencies, ie.?
  - Dept. of Transportation-
  - Dept. of Health
  - Does this need County approval due to the location on Route 20A?
  - Have they addressed outside lighting, parking lot, handicap accessibility?
  - Do they have the proper treatment for disposal of wastes in their waste treatment (septic system)?
  - Permit to serve alcohol?

The Board would appreciate a response from the Zoning Officer with regard to the above questions concerning the new Brewery on the Wizard of Clay parcel located in the L-I district.

A motion was made to adjourn the meeting by Jennifer Sanford. All agreed.

Respectfully submitted,

*Sandra Riker*

Town of Bristol

Zoning Board of Appeals Secretary

A motion to accept the minutes of July 14<sup>th</sup> were approved on August 11, 2015 with a motion by Steve Smiley and a second by John Krebbeks. All Board members agreed.

