

Bristol Zoning Board of Appeals

Meeting of August 11, 2015

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

Others: Pete Wojtas, Matt & Owen McDonald, Daniel Gray

Minutes:

The Minutes of the July 14, 2015 ZBA meeting were approved with a motion by Steve Smiley and a second by John Krebbeks at the August 11, 2015 meeting. All Board members agreed.

Daniel Gray Area Variance:

This meeting is a continuation of the public hearing opened on July 14th, 2015.

*The definition of a Qualified Abandoned Road is "a highway on which the maintenance has been discontinued for reasons of lack of use as a highway, but the public right of way still remains. Said highway can be gated by property owners(s) but cannot be locked. According to Town Records Hall Road is still considered a Qualified Abandoned Road.

It has been determined that the location of Mr. Gray's parcel #137.00-1-18.000 is a corner lot with frontage on East Hall Road and Ganyard Hill Road as well. Therefore given the definition provided in the current zoning a corner lot is a parcel of land at the junction of and fronting on two or more intersecting streets. The front yard setback requirement is 75' for a principal dwelling in the current zoning regulations and would be required for both the Ganyard Hill Road and East Hall Road side of the parcel. The Chair is suggesting that the remaining lot lines be considered as side lot lines with a requirement of 50'. Does the Board agree with her? All Board members agreed they would use the setback requirements of 75' for the two front lot lines and 50' for the remaining lot lines.

The west lot line of 50' is acceptable as stands and the north lot line as presented is only a distance of 30'. The Board questioned whether a variance would be necessary or if there is another alternative that could be addressed. The Board asked Gray if he would be willing to rotate the placement of the house so a variance would not be necessary. He said he did not wish to do this as he has already invested money to establish swales, a well, and placement of his septic system. A comment was made by the Board that Gray has created this problem by going ahead with work that should not have been done prior to the Board's decision regarding an area variance. The Board is required to allow only the minimal amount of relief to satisfy the variance.

After further discussion between Gray, the McDonalds and the Board the public hearing was closed.

The Board then reviewed the 5 criteria to satisfy an Area Variance as follows:

- Would an undesirable change be produced in the character of the neighborhood: All Board members agreed it would not?
- Could an alternative location be a feasible alternative to a variance? All Board members agreed it could if the owner would be willing to rotate the placement of the house.
- Is this requested variance substantial? At the 20' reduction requested 3 Board members said no and two said yes. The Chair asked if the Board would be in agreement to a lesser reduction and all Board members agreed to a 15' reduction instead of the requested 20'.
- Does the variance have an adverse impact on physical or environmental conditions to the neighborhood? All Board members agreed it would not.
- Is the alleged difficulty self-created? All Board members that it is self-created.

The Board then addressed the Environmental Impact Statement and all 11 questions were answered **no** by all Board members. ***A motion was made by Jennifer Sanford and seconded by Steve Smiley to declare a negative declaration for the Environmental Impact Statement.***

A motion was then made by Jennifer Sanford to grant an area variance of a reduction of 15' from the north lot line of the parcel known as 137.00-1-18.000 resulting in the placement of the home to be no closer than 35' from the north lot line. Steve Smiley seconded the motion and all Board members agreed.

This application has set a precedent with regard to lot line requirements for a corner lot in the town of Bristol. A corner lot would have two front yards, two side yards and no back yard. The Secretary will share this with the Planning Board so a new definition of corner lot with its requirements can be added to the zoning regulations.

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, i.e.?
 - 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 Secretary advised the Board that the Code Officer has requested information from the Brewery Owner and the owner of the Wizard of Clay for answers to the above questions.

The Secretary advised the Board that September 29th has been selected as the date for the joint meeting of the Planning Board, Town Board, and ZBA. Steve Smiley was the only one who said he might not be able to attend.

The Code Officers report was shared with the ZBA Board.

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

The above minutes were reviewed by the ZBA at the September 8th meeting and approved with the following change: * references NYS Highway Law 205 with regard to Qualified Abandoned Roads". A motion was made by Steve Smiley and seconded by Marty Snyder. All Board members agreed to accept the adjusted minutes.