



Town of South Bristol
6500 West Gannett Hill Road
Naples, NY 14512-9216
585.374.6341

Zoning Board of Appeals Meeting Agenda

Wednesday, May 28, 2025
7:00 pm

Meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/86726772976?pwd=xMiaUSIXEjdOOJnbpWYSyIWEVRkNXy.1>

Meeting ID 867 2677 2976, Passcode 004308

Call to Order

Pledge of Allegiance

Minutes

Defer approval of March 26, 2025, and April 23, 2025, Zoning Board of Appeals meeting minutes to the next meeting.

Rules of Order

New Business

Area Variance Application 2025-0003

OCPB Referral: Exempt
Owners: Judy von Bucher
Representative: Erik von Bucher
Property: 6507 Longs Point Drive
Tax Map: 185.17-1-2.000
Zoned: LR (Lake Residential)

Other

Motion to Adjourn

Town of South Bristol Zoning Board of Appeals Meeting Minutes Wednesday, May 28, 2025

Present Elizabeth Caprini
Carol Dulski
Jason Fox
Jonathan Gage
Martin Gordon
Barbara Howard

Guests Erik von Bucher, Meghan Fuller

Call to Order

The meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 7:00 pm followed by the Pledge of Allegiance.

Tonight's meeting is to discuss and decide on an area variance and setback variance for the von Buchers.

There was a roll call from board members with all present.

Meeting Minutes

Approval of March 26, 2025, and April 23, 2025, meeting minutes were deferred to the next meeting.

Rules of Order

Elizabeth Caprini read the Rules of Order.

New Business

Public Hearing

Area Variance Application 2025-0003

OCPB Referral: Exempt
Owners: Judy von Bucher
Representative: Erik von Bucher
Property: 6507 Longs Point Drive
Tax Map: 185.17-1-2.000
Zoned: LR (Lake Residential)

Diane Graham:

Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Zoning Board of Appeals will hold a public hearing with the following application:

2025-0003 for property owned by Judy B. von Bucher located at 6507 Longs Point Drive, tax map 185.17-1-2.000. The applicant/owner is looking for a 9.4-foot variance with a 40.6-foot front setback from the closest edge of Longs Point Drive where 50 is required per town code and a 5% variance with a

lot coverage total of 25% where 20% is required per town code to construct a standalone 24 by 24 foot 576 sq ft. one-story two-car garage off the existing driveway.

Said hearing will take place on the 28th day of May 2025 beginning at 7:00 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

All interested parties may provide written comments, appear in person or by representatives.

Elizabeth Caprini: Do we need to correct that somehow with 11.9?

Diane Graham: We will. That was how it went out.

Elizabeth Caprini: Okay.

Chairperson Howard: It is your turn to let us know what you want to do and why we should give you the variances.

Erik von Bucher: Great! Good evening. I am Erik von Bucher. I am going to represent my wife, Judy. We would like to build this detached garage. When we went two years ago before you, we were doing a kitchen addition and we hoped to do the garage at that same time, however, it was deemed at that point to split them into two pieces. We did do the kitchen addition. I think it came out great. I think the town was pleased with the way we progressed through it. The reason I brought up that kitchen addition is because we applied for no variances there. However, since that time we recalculated the road Longs Point Drive is now included in the calculations. It was not included the first time. Longs Point Drive represents about 5.1% of the coverage. Before we were below the 20% mark and we were fine. If you look at the existing statistics it now says 24%. We did not try to pull a fast one over you. It was two years ago, that was how it was done. It was the buildings, gravel, porches, etc. We did not need a variance then. Currently we have a lot coverage of 24% with the addition of this garage it would be a lot coverage of 25%. As far as the setback from the road, again, part of the reason the variance has changed since that first letter went out, is that instead of our property line goes right through the middle of the road but instead of measuring from the property line to the foundation it was deemed we must even though it is a private road we must take it from the edge of the road. That is part of the increase of that variance. The other part of it is that the garage is near the RG&E overhead wires and our 1933 easement requires a ten-foot total easement. Five feet on each side. When I was before the Planning Board I had the foundation five feet away, but as an observant person saw there was going to be some overhang from the roof. So again, we pushed the building back a little bit more to make sure that the overhang was not encroaching on the easement. I also just want to say, many of you have visited our home, thank you for your dedication and I know this is not a super fun job but thanks for doing it well. The reason that many of you asked, could we put the garage someplace else. I pointed out that by inserting it into the hillside I think you have a packet like this and will show what our temporary structure looks like dug into the hillside. This will be setback into the hill almost invisible then. Not completely, of course. The roof will show itself. We cannot go north because there is a telephone pole, a leach field, etc. We cannot go in that direction. We cannot go south across the road besides the inconvenience that is our neighbor's leach field. We own that property across the road. Our neighbors have an easement there for their septic system. The only possible is to the east towards the lake and I think several of you I walked with you and showed how that would as you come down Longs Point Drive where this garage is proposed to go it will only block the house view. It will not block the lake and if we were to put it more towards the lake it would block that view from the road. It would also impact our neighbor's view. That is why we felt the spot that we have outlined and requested is the best.

In that packet I included pictures of the neighbors because all along the road it seems the houses were built very close to the road. There is some new construction that gets quite close. I think you reviewed Krueger's last month, and they are of course really close to the road. There are four or five houses that have buildings way within that fifty-foot requirement. Not that that justifies it, but just that I think we are looking for a modest variance, and I feel like to your statement that you read about it is in keeping with the environment and goals of the community. At least in talking with our neighbors everybody is okay with it.

Chairperson Howard: Questions of the presenter?

Jason Fox: None right now.

Chairperson Howard: Alright.

Martin Gordon: I visited. You were not there, but I visited. It looks like to me like you said it is the only location that you could possibly put that building and it is tucked into the hill. It is going to be almost invisible other than a little bit of the roof. If you drive the whole length of Longs Point Drive I noticed like you pointed out there are many buildings that are much closer than the setback. I say it is a very unique location. I believe that is why you are here our codes are written for standard situations. This is anything but standard. No question really just a comment.

Erik von Bucher: Thank you.

Elizabeth Caprini: Any plans for the upper area?

Erik von Bucher: In that triangle piece, yes. My wife wants to do as little as possible. I hoped we would have maybe a place to store like a lawn mower, so I do not have to drag it from the basement. There will be some storage area up there. It is going to be pretty minimal for work from our construction as I said hide a few garden tools. I am afraid it is not going to be bigger than that. I am not even sure it is possible. I have not looked at the truss designs yet.

Elizabeth Caprini: It helped a lot to visualize explaining that was your staging area for the kitchen project.

Erik von Bucher: Yes. Which she is referring to is the picture of the little cloth/vinyl garage, temporary garage. That was needed because our house is a post and beam and we had a lot of big timbers that were being hand-mitered, etc. It could not be done in the house, so we got this contrivance for them to put all their machinery in. We were hopeful that this would someday become a garage, otherwise, it will become an overflow parking area with a retaining wall. It also allowed the workers' trucks to come in there which is on that road always a challenge.

Carol Dulski: Is this picture going to be similar to the garage height, does that make sense?

Erik von Bucher: No. It does not. The height of the garage will be 22 feet. I believe that the vinyl garage you are speaking of is probably only half of that.

Carol Dulski: Okay.

Erik von Bucher: What you are looking at would be the height of the walls I would say. Somewhere in the I think nine-foot walls. I do not actually know what the height of the vinyl thing is. It is going to be higher than that. I would say it would be close too if you looked at the kitchen addition, we would try to copy that same slope of roof which is a 6/12 roof. That would be the size. That roof as Marty alluded to is going to be the part that sticks up that you would see mostly. It will be a black metal roof, so it disappears. We seem to have enough of the greenish asphalt roof on the main house. My wife thinks it will be too much if it is asphalt. We will see the cost.

Elizabeth Caprini: I have seen other projects that are kind of below the road. I do not know when it is required that there be a guard rail. I do not know if that is an issue.

Diane Graham: That would be a town, county or state road.

Jason Fox: I drove there during lunch, and I did not see any other guard rails.

Elizabeth Caprini: No.

Jason Fox: There would be others more severe than petitioners.

Elizabeth Caprini: Off the road with nothing between?

Jason Fox: Yes.

Diane Graham: That would be up to the residents of the road.

Marty Gordon: It is not a living space.

Elizabeth Caprini: Thank you. That was the part I was asking about.

Erik von Bucher: Oh, I see. Gotcha. The garage is only going to have electricity. There will not be water, heat, plumbing or anything like that. Just electric. Yes.

Elizabeth Caprini: Thank you.

Martin Gordon: Again, it is only going to be used for your vehicles. Maybe yard equipment. Nobody is going to be living in it.

Erik von Bucher: No. That is correct. We have that little guest house.

Chairperson Howard: Anybody else? Lets go into visitations.

Diane Graham: Are you going to do the CEO.

Chairperson Howard: Oh, Scott is not here.

Diane Graham: I can read his comments. This is an amended comment. *“Meets town code zoning use requirements. Does not meet town code zoning area and dimensional requirements. Seeking variance for*

lot cover of 25% where maximum 20% is allowed. Also, need variance of amended to 11.9 feet for the front setback for 38.1 where 50 is required. That was his comment.” That was his comment.

Any questions by ZBA?

Chairperson Howard: I have one more question. We decided that there was not another place, and I concur with Marty’s comments and yours. It fits beautifully. It looks like it should belong there, kind of thing. What about reducing some of the gravel and making 20% instead of the 25%?

Erik von Bucher: Well, that is possible. I oversee the gravel. Remove the gravel. I already did that to 400 square feet when I thought we were in compliance with the kitchen, and we had enough leeway. I did grass, but now we are still out of compliance. That is a possibility. I do not look forward to cutting that much more grass. If that is required to get the approval, then maybe we can work out a compromise of how much space to do.

Jason Fox: It seems reasonable. It is not an excessively large amount of gravel.

Diane Graham: Over five thousand square feet of gravel.

Jason Fox: It does not seem excessive.

Diane Graham: That is over twice the house size.

Martin Gordon: Compared to what is going on it for vehicles and you want to buffer so the vehicle does not go off the gravel and slide down the hills. I think it is prudent to leave the gravel as a safety measure for the owner and neighbors. It is my take on it. I agree.

Jason Fox: It is a narrow road too. When I drove by today, it was challenging to even to make a three point turn to get out of there.

Martin Gordon: I backed out of there.

Erik von Bucher: Were you in the white truck?

Eric von Bucher: You have to come and fix your divot. Haha.

Jason Fox: It was raining a bit.

Martin Gordon: That goes to not removing any more gravel. Mor divots.

Jason Fox: If it was grass, I may have slid into his house.

Martin Gordon: There you go.

Chairperson: Visitation reports.

Martin Gordon: I visited, and I sort of already reported that it looked like it was in the best spot that I saw. Not obtrusive in any way.

Carol Dulski: I visited last week and pretty much the same as Marty saying where else are you going to put it without blocking the lake.

Jonathan Gage: I visited today. Mr. von Bucher took me out and walked up on the road and examined the view from there of that garage would make. Essentially when you are looking at the bushes there you cannot see through the bushes and that would be pretty much what you would see for the roof. As you move down past where the garage will be and you look down at the lake it is open there and will not be affected at all by that. That was a very positive aspect of it. Then went down to see where the garage was and the setback in there the way it is going is real well laid out. I think it is the optimum spot for that and the residence. That's all.

Elizabeth Caprini: I agree. Absolutely the same observations. Thank you for the time you took with me.

Jason Fox: I agree. I took a quick visit today around noon. It is a very logical placement for the proposed structure.

Chairperson Howard: I visited twice. Once on Monday and got a pretty good idea and concur with the placement of the garage. I didn't recognize that the addition for the kitchen was where it was. That blends in so well with the rest of it. My assumption is that the same color scheme will go with the garage. It will be white and bright.

Erik von Bucher: Sorry, I didn't want to pay for the coloration thing. No. We will not have a white garage, believe me. It will be a brown and green combination like the rest of the house.

Chairperson Howard: Sorry. I concur with that. The only other thing is testimony from Planning Board or anything like that.

Diane Graham: Other testimony. Would that be them or would that be public officers' documentation?

Martin Gordon: We are going to get to the neighbors.

Diane Graham: There is a spot for public officers. Would that count as the Board section?

Martin Gordon: Public officers.

Chairperson Howard: Yes. I guess. They are not in public hearing then. Okay. We need to determine the SEQR status.

Martin Gordon: It is a Type II.

Chairperson Howard: Based on?

Martin Gordon: Based on section 617.5.

Chairperson Howard: I have here with (c)16 and (c)17 would that help?

Martin Gordon: Okay.

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Chairperson Howard: 617.5 (c)16 is the setback, gives us the authority to do the setback and 617.5 (c)17 is the area lot coverage.

Diane Graham: If everybody agrees, we make that part of the findings. Just say if you approve or not.

Jonathan Gage: Approve.

Diane Graham: Do you all approve of 16 and 17?

Board Members: Yes.

Diane Graham: Okay. We will record that when you make your findings.

Chairperson Howard: That will be our first finding. At this point the public hearing is open if anyone has anything they want to say or if we have anything that was mailed in or sent to you.

Diane Graham: Anybody on Zoom? There is no one on Zoom. A town board member is just an observer.

Chairperson Howard: Then I am going to close the public hearing. Any public or municipal officers' documentation. I think that is the Planning Board.

Diane Graham: We have a lot. Do you want me to read it because I have everything in front of me?

Chairperson Howard: Yes.

Martin Gordon: Before you do that, we have notes from the Planning Board that is what you are talking about?

Chairperson Howard: Correct.

Martin Gordon: It is part of the record or do you have to read it to make it part of the record?

Chairperson Howard: We have to read it to make it part of the record. It is not that bad.

Martin Gordon: Okay.

Diane Graham: Well, we will see. I will start with the easement. I guess I will take the most recent part of it.

Erik von Bucher: Which easement are you talking about, the RG&E one?

Diane Graham: The RG&E easement. Yes. This is from Arika with an "a" Enders from RG&E. She said, *"Good Morning, Erik. With the easements we write today, we include the language the grantee, RG&E its employees, servants, agents, contractors and its successors and assigns are hereby expressly given and granted to the right to prohibit the construction of and/or remove any building(s), structure(s) or improvements including planting of trees within the easement premises or within ten feet of grantees equipment and facilities."*

Although your 1933 easement does not specify structures, we would like the easement area of five feet on either side of the overhead wires to be clear of any and all structures including roof overhangs, stairs and porches.

Please let me know if you need anything else, it is always a pleasure working with you.”

That is the most recent response to his initial email where he had asked what he needed to do, but he didn't consider the eaves.

The next one is from Tyler Ohle, Canandaigua Lake Watershed Inspector.

“Good morning,

Regarding the proposed garage at the property above.

After review of the plans and a site visit, the proposed garage is located roughly 20-30 feet directly downhill of the existing leach field and requires a significant cut into the bank. In order to prevent short circuiting of wastewater, poly sheeting must be used between native soils and the footer/foundation drain for this garage. Using 15-20 mm poly sheeting is acceptable such as concrete vapor barrier sheeting.

Thanks, Tyler Ohle.”

Then we have the Planning Board at their meeting last week. This is addressed to the owner Judy von Bucher.

“At the Planning Board May 21st meeting, the Board requested the following to proceed to final review public hearing. Check with RG&E representative whether a two-foot overhang is required within the ten-foot easement with five-foot setback on either side of the overhead wire. If yes, provide RG&E email and amend site plan front setback.

Site plan

- *Accurate lot calculations (existing and proposed that includes height)*
- *Amend front setback if required*
- *Add label/note for RG&E ten-foot easement ten-foot with five-foot setback on either side of the overhead wire*
- *Add existing drywell details*

Amend ZBA board application first page variance request if required

Update SEQR question 17b. from no to yes and describe (per representative's response that garage roof run-off could go to the drywell)

Please tentatively plan to attend the final site plan review meeting on June 18.”

Then we received Mr. von Bucher's response to that Planning Board's email. Addressed to Scott Martin and I dated today.

“Dear Scott and Diane,

Per your letter of May 27, 2025, we have submitted answers Arika Enders RG&E reply in email dated May 28, 2025, that:

“Although your 1933 easement does not specify structures, we would like the area easement of five feet on either side of the overhead wires to be clear of any and all structures including roof overhang, stairs and porches.”

We have moved our proposed garage two feet further from overhead wire than five feet easement (total 7 feet)

Seven feet?

Erik von Bucher: Yes. Seven feet.

Diane Graham:

due to garage roof overhang.

Lot calculations will be reorganized for easier understanding on the site plan that will be revised before the next Planning Board meeting.

We have amended setback request to 11.9 feet.

We have labelled RG&E ten-foot easement with five-foot setback on either side of the overhead wire.

We have shown the location of drywell.

We have amended the first page of the ZBA variance application request.

We are keeping SEQR question 17b as “no” after further consideration to not connect gutters to pipes to drywell because of three reasons:

- 1) We do not want to have gutters on the side of the garage that require extra maintenance.*
- 2) The sides of the garage are in essence a formidable drywell. Between the native soil and cement blocks, there will be 12 inches of gravel from grade level to foundation that will allow rainwater to dissipate into soil below as it does now.*
- 3) To get gutter water to drywell would require extensive digging and disturbance of a steep slope hillside.*

In regards to three questions the Planning Board raised, but were not in your email, here is our reply:

Was “shed” built prior to town codes? Our daughter, Lilly Kesner, will send a letter to you stating that the tent platform was built in 1997, because she wanted it for sleepovers with her friends. The current solid structure was built in 2004 on top of existing tent platform footprint.

Was “frame guest house” on von Bucher property before land was purchased in 1991. A site plan was submitted dated December 1986 that shows prior existence of guest house.

Was wire fence erected before codes? Yes. Fence was for our dogs that we owned at time of land purchase. However, to avoid further consternation, the fence has already been taken down, and the clean-up of area will be complete within next two days (pictures submitted to Scott Martin).

I hope this answers your questions, please don’t hesitate to call for further clarification.”

He updated the project statistics from what was submitted originally.

We did receive an archeological site determination letter dated February 26, 2025, with no impact.

I think that is all the public information. We have a list of documents to review what we received. I think we have covered some of them.

Chairperson Howard: I think we have. I have not found one we haven't covered.

Diane Graham: The steep slopes permit was determined between Mr. von Bucher and the code enforcement officer and he says he does not require a steep slopes permit.

You have the Certificate of Non-Conformity application with all the shed and fence email.

Chairperson Howard: If I am correct in getting all that he has answered, all of the questions that the Planning Board had either by providing us with stuff tonight or within the next few days.

Diane Graham: Yes. He is going to make some final changes to the site plan before the Planning Board meeting.

Chairperson Howard: That should not hold us up.

Diane Graham: No. Unless you think it is.

Martin Gordon: The last thing that you said. I think you asked a question about the Planning Board.

Chairperson Howard: No.

Martin Gordon: I misheard.

Chairperson Howard: What I did say was that this does not hold us up.

Martin Gordon: Okay. I do have a question though.

Diane Graham: For whom?

Martin Gordon: You mentioned essentially a drywell you are putting twelve inches width wise, I believe right away from the wall of the garage.

Erik von Bucher: Right.

Martin Gordon: I understand that would be a very good drywell. My question is this. Is the eave overhang drip edge is that going to drip into that twelve inches or extend beyond it?

Erik von Bucher: I do not have an answer to that because I do not know the exact dimension of that eave but that would certainly make a lot of sense.

Martin Gordon: Yes. Maybe make the twelve inches extend beyond the eave drip edge.

Erik von Bucher: Yes.

Martin Gordon: The other thing related to that is the reason you do not want gutters is you have so many trees that the gutters are going to get clogged and essentially be no good here anyways.

Erik von Bucher: Right. Yes.

Chairperson Howard: Okay. We need to determine the findings and debate. We have already sort of had our debate.

Diane Graham: Where are we in here?

Chairperson Howard: Determine your findings.

Diane Graham: Oh, discussion and debate between yourselves first.

Chairperson Howard: Yes. We need to discuss and debate but we have sort of already done that. Does anybody have any other questions or comments or debate.

Board members: No.

Chairperson Howard: We need to determine our findings.

Front Setback Variance Findings:

1. Elizabeth Caprini made a motion that the requested variance is covered by SEQR paragraph 617.5 (c)(16) as a Type II action. Jonathan Gage seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

2. Jonathan Gage made a motion that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance. Martin Gordon seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

3. Martin Gordon made a motion that the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than an area variance. Carol Dulski seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

4. Jason Fox made a motion that the requested area variance is not substantial. Elizabeth Caprini seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

5. Carol Dulski made a motion that the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. Jason Fox seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

6. Barbara Howard made a motion that the alleged difficulty was self-created. Carol Dulski seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

Diane Graham: Any additional findings or conditions?

Board members: No.

Chairman Howard: I do want to add to the point that we are in the process of getting a non-conformity certification for him. That is in the works.

Diane Graham: Is that a condition?

Chairperson Howard: No. It is not a condition. It is not a finding.

Diane Graham: It is not a finding and it is not a condition. Okay.

Chairperson Howard: It is definitely not a condition. It is a comment.

Diane Graham: Okay.

Chairperson Howard: That was one of things we had not talked about before. That is for the shed.

Diane Graham: It was discovered at the Planning Board that it was in the setback.

Chairperson Howard: Correct.

Diane Graham: He filled out a certificate of non-conformity for that structure.

Carol Dulski: I have a question. Do we have to say anything about the poly shield that 20-milliliter poly shield?

Diane Graham: That he made the comment on.

Jonathan Gage: Tyler made that.

Martin Gordon: Yes. For the septic so it does not short circuit the septic.

Diane Graham: Right.

Chairperson Howard: It was Tyler in his letter he need to put down the plastic.

Martin Gordon: I believe we should do that.

Chairperson Howard: That should be another finding.

Martin Gordon: There are basically two I think we ought to have.

Diane Graham: Findings or conditions?

Martin Gordon: Conditions. Based on what we discussed today.

1. Martin Gordon made a motion to one of the conditions be that the barrier that Tyler Ohle discussed whatever he specified be applied during construction so that the septic is not short circuited and basically end up with sewage in your garage. You do not have to put the last part.

Diane Graham: The barrier that Tyler Ohle discussed be applied during construction. Leave it at that?

Martin Gordon: Leave it at that. We do not want to put in there the reason you are doing that is so you do not end up with the garage cesspool.

Diane Graham: Does anybody want to second the motion.

Barbara Howard seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

2. Martin Gordon made a motion the second condition is the gravel fill extend beyond the edge of the drip line of the eave.

Diane Graham: Beyond the edge of?

Martin Gordon: Dripline.

Diane Graham: Dripline

Martin Gordon: Off of eave.

Elizabeth Caprini: Roof.

Diane Graham: Off of the roof overhang.

Martin Gordon: Yes. Off the overhang.

Jason Fox seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

Martin Gordon made a motion to approve the applicant's request for 11.9-foot variance with a front setback of 38.1 feet. Jonathan Gage seconded the motion.

Roll Call Vote:

Elizabeth Caprini – Aye
Carol Dulski – Aye
Jonathan Gage – Aye
Martin Gordon – Aye

Barbara Howard – Aye

Motion carried.

Lot Coverage Variance Findings:

1. Martin Gordon made a motion that the requested variance is covered by SEQR paragraph 617.5 (c)(17) as a Type II action.

Diane Graham: It does not require any more review, correct?

Barbara Howard seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

2. Elizabeth Caprini made a motion that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance. Martin Gordon seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

3. Carol Dulski made a motion that the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than an area variance. Barbara Howard seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

4. Jason Fox made a motion that the requested area variance is not substantial. Elizabeth Caprini seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard

Nays 0

Motion carried.

5. Martin Gordon made a motion that the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. Jonathan Gage seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard

Nays 0

Motion carried.

6. Barbara Howard made a motion that the alleged difficulty was not self-created. Martin Gordon seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard

Nays 0

Motion carried.

Diane Graham: Any additional findings or conditions on this?

Martin Gordon: None other than the ones we already added.

Diane Graham: Okay.

Chairperson Howard: Any other findings or conditions? We talked about getting the certificate of non-conformity. I know that it is in the works. I talked to Scott today and he had the paperwork. Does anybody want to make a motion?

Jonathan Gage made a motion to approve the applicant's request for a 5% variance for a total lot coverage of 25%. Martin Gordon seconded the motion.

Roll Call Vote:

Elizabeth Caprini – Aye

Carol Dulski – Aye

Jonathan Gage – Aye

Martin Gordon – Aye

Barbara Howard – Aye

Motion carried.

Erik von Bucher: Thank you ladies and gentlemen. I appreciate your time. I know it is precious. Go home now.

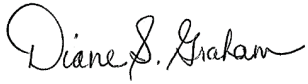
Other

Diane Graham shared that board applications under review are now located on the town website for public review and history and updated the public hearing notices directing neighbors to the website.

Motion to Adjourn

Having no further business, Barbara Howard made a motion to adjourn the meeting. Carol Dulski seconded the motion. The motion was unanimously adopted, and the meeting was adjourned at 7:53 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane S. Graham".

Diane Scholtz Graham
Board Assistant