

**ZONING BOARD OF APPEALS  
MINUTES OF MAY 18, 2021**

A meeting of the Zoning Board of Appeals was held on May 18, 2021. The meeting was called to order by Chairman Fred Howard at 7:00 P.M.

**PRESENT WERE:**

Fred Howard, Chairman  
Dave Schmidt  
Randy Hall  
Colleen Thomas, Secretary

**ABSENT WERE:**

Colton Hill  
Scott Reiter

**Approval of Minutes**

A motion was made by Member Randy Hall to approve the minutes of May 4, 2021 with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**Approval of May 18, 2021 Meeting Agenda**

A motion was made by Member Randy Hall and seconded by Member Dave Schmidt to approve the May 18, 2021 meeting agenda. A vote was taken. The motion was carried unanimously by the Board.

**Public Hearings**

1. Appeal Application by Frances H. Lockrow, 111 Hall Road, Tax Parcel ID# 54.-4-22.12, for an Area Variance to allow a new home that was built too close to Hall Road and to the westerly lot line. This requires an Area Variance since a building location in the Agricultural/Residential Zone is required to be 75 feet from the centerline of Hall Road, but is actually 68.3 feet "As Built", and 25 feet from the westerly lot line, but is actually 16.8 feet "As Built".
  - A. The public hearing notice was read by Zoning Board Secretary, Colleen Thomas.
  - B. Presentation by Brian Holbritter. He stated that the public hearing notice pretty much explained why the applicant was here for a variance. If the zoning board said no to the variance, his applicant would be under economic hardship.
  - C. Chairman Fred Howard asked if the Zoning Board had any questions they did not. Chairman Fred Howard asked if the public had any questions. They did not.
  - D. Member Randy Hall made the motion to close the public hearing with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

- E. The Board reviewed the SEQRA evaluation. A determination was made that this is a Type II action by the Board.
  - a) 617.5 (c)(18) “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special-use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part;”
  - b) A motion was made by Chairman Fred Howard to approve the Type II action determination and seconded by Member Randy Hall. A vote was taken. The motion was carried.
- F. A motion was made by Member Randy Hall to grant approval for the Lockrow Area variance with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.
- G. AV Supporting circumstances
  - a) Because of the location of the house on the lot, and the location of the house on the lot to the west, the effect of this error are on the adjacent property is negligible as are the effects of the offset from Hall Road.
  - b) Correction of this error would cause significant financial hardship for the owner.
- 2. Application by Heather and Shane Watkins for an Area Variance to authorize an 8 foot wide kitchen expansion addition to their single family home at 2943 State Route 67, Buskirk, NY, 12028, Tax Map #14.-2-6. This area variance is needed since this home located in the Highway Commercial Zone is required to be set back 50 feet from the State Route 67 right-of-way and the front of the kitchen addition will actually be 22 feet +/- from the right-of-way line.
  - A. The public hearing notice was read by the Zoning Board Secretary, Colleen Thomas.
  - B. Shane Watkins presented his application to the Board. They are building 8ft out from existing base of the house for an addition to their kitchen. This does not affect the neighbors, does not affect safety of highway, and DOT has no problems with it.
  - C. Chairman Fred Howard asked the Zoning Board if they had any questions. They did not. Chairman Fred Howard asked if the public had any questions. They did not.
  - D. Member Dave Schmidt made the motion to close the public hearing with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.
  - E. SEQRA evaluation. Determination that this is a Type II action by the Board.
    - a) 617.5(c)(18) “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special-use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part;”
    - b) A motion was made by Chairman Fred Howard to approve the Type II action determination with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

- F. A motion was made by Member Dave Schmidt to grant approval for the Watkins area variance with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.
- G. AV supporting circumstances
  - a) This is a reasonable use of this existing residential property and will have no effect on the operation of NY 67 or the adjacent properties.

### **New Business**

1. Special Use Permit Application – Dan Levesque, 2309 NY 7, Raymertown  
Dan Levesque had made application for a Special Use Permit to allow the installation of a new variable message sign on the existing billboard sign structure located in the Highway/Commercial district west of the Raymertown Hamlet. The Planning Board approved the creation of a small Special Use Purpose lot that surrounds the northern foundation of the existing steel support structure at the Maya 2021 meeting, subdividing 1,392 square feet +/- from Tax Parcel #63.-5-14. The applicant proposes to install a new 11 foot high x 20 foot wide electronic sign as a replacement for the existing fixed message sign. Such installation can only be allowed by Special Use Permit under the provisions of the Town's ZONING SCHEDULE AND LAND USE REGULATIONS AND DEVELOPMENT CODE.

#### Possible conditions of approval for the sign

- a) The billboard permittee shall maintain the site including mowing of brush at least twice per year. The Town Building Inspector shall inspect the site in the fall of each year to insure that the required mowing has taken place.
- b) In addition the inspector may visually examine the sign structure itself and note any deficiencies or safety concerns based on this visual examination. Such deficiencies, if any, will be reported to the Permittee who agrees to correct the deficiencies within 60 days of notification.
- c) Each year when the NYSDOT occupancy permit is renewed, a copy shall be provided to the Town.
- d) The full market value of the assessment for the land and existing sign will be set at based on the actual cost of the installation.
- e) The SUP is subject to the provision that should the billboard fall into disuse for a period of 2 years that the SUP becomes null and void and the billboard and sign structure must be demolished and removed from the site.
- f) The Permittee shall post a bond with the Town in the amount of \$2,500 dollars to be used for and removal of the billboard in the event that the sign is abandoned. The applicant stated that he will prove he will be a better tenant and land owner. He would prefer bond not be put on the property It will never be abandoned by him.
- g) Chairman Fred Howard asked if the Zoning Board or the public had any questions. They did not. Chairman Fred Howard questioned who the owner would be is it going to be part of the corporation. The applicant responded that he hasn't decided yet. Chairman Howard stated that he sees this project going forward. He suggested that the applicant talk to legal counsel and decide who the owner is.

- A. Member Randy Hall made the motion that the Board finds the application and supporting documentation complete with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.
- B. Member Randy Hall made the motion to schedule a Public Hearing on this matter for June 22, 2021 at 7:00 P.M. with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**Activity Since Last ZBA Meeting**

- 1. Mass Gathering Law. This law doesn't seem to acknowledge the special use process.
- 2. Possible interest in 92 Parker School Road.
- 3. Extension of the conditional approval given to Tamarac Solar farm in 2019. They were never given approval. They are asking to extend. The application never met conditions. Chairman Howard stated that he is going to ask the Town's attorney to come to the next Zoning Board meeting and get her opinion on this.
- 4. Phone calls and emails received on Windover. Chairman Howard informed them that the applicant had withdrawn his application. He was not on the agenda tonight. Neighbors are saying there is work going on there. Chairman Howard believes it is an agricultural building. He also stated that he believes agricultural buildings are exempt.

The next regular meeting will be held on June 22, 2021 at 7:00 PM at the Town Hall. Masks and social distancing will be required.

**Adjournment**

Member Dave Schmidt made the motion to adjourn with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Colleen Thomas  
Zoning Board Secretary

Approved: \_\_\_\_\_ Date: \_\_\_\_\_