

J. Green stated that he would be painting the shed the same color as his house.

C. Ziarniak asked if there was any other information that should be noted for the Public Hearing.

No one responded and no public present for the Public Hearing.

C. Ziarniak made a motion to close the Public Hearing.

J. Perry seconded.

Unanimously carried.

J. Perry wanted to note that there was no one present for the Public Hearing and that no correspondence had been received from the Public.

C. Ziarniak began reading through the application questions that were submitted by J. Green.

1) What benefit would be derived by the applicant seeking a variance?

The applicant stated: *Mower storage, work shop, tools and storage.*

2) What desirable changes will be produced in the character of the neighborhood by the granting of the area variance?

The applicant stated: *Location of said mini barn-shed on side of property instead of behind house.*

C. Ziarniak asked Board Members their thoughts on questions 1 and 2.

H. Henick stated that he is limited as to where he can place a shed on his property. He further stated that there are very few houses nearby and noted that the house across from the street from his property had a large boat in the driveway which can be seen from the road. He also stated that J. Green's house is an L shape and that the shed would be sitting across from the garage.

C. Ziarniak asked H. Henick in his opinion there is no change to the character of the neighborhood.

H. Henick stated that is correct.

J. Perry agreed with H. Henick.

J. Perry read question 3 of the application:

3) What other methods does the applicant have to achieve the benefit other than the area variance?

The applicant stated: *Rear of property is natural swale transporting water off property. An obstruction (building) would disrupt natural water flow.*

J. Perry stated that he agrees with the applicant's answer and further stated that if he moves the shed back, he will also have an issue with the rear setback and that would require an area variance.

C. Ziarniak stated that the natural swale creates a hindrance.

J. Perry stated, yes.

J. Perry read question 4:

4) Is the requested area variance substantial?

The applicant stated: *No, will set to north of driveway under a tree canopy and look natural.*

J. Perry stated that the shed is being proposed to be placed on the rear side of his property, it is located far from the road and the placement would be very functional for him.

C. Ziarniak stated that area variances have been granted for barns to be placed in front setbacks and this is not the case with this application. He further explained that the applicant would like to place the shed behind the front setback and it is on the side of the property, and in his opinion it would not be as substantial as other variances that have been considered and granted.

D. Maier read question 5 and 6:

5) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

The applicant stated: *No, will not have impact and will preserve natural water flow off property.*

6) Was the alleged difficulty self-created?

The applicant stated: *No, as written the unit would be in back yard near pool and well. This area is wet until July every year. Water flows downhill on property.*

D. Maier stated that he felt both question 5 and 6 go hand in hand in their responses, explaining that the applicant is looking to place the shed in the best location possible to avoid the water issue.

D. Maier asked if there would be electric in the shed.

J. Green stated yes.

D. Maier stated that since he will have electric in the shed, he would want the shed closer to the house. He further explained that the shed is far from the main road and the applicant's proposal is the best option.

C. Ziarniak added that the shape of the lot is unique and is taken into consideration because of the limitations he has topographically.

C. Ziarniak asked if anyone had any questions.

J. Perry asked about lighting on the shed.

J. Green stated that he wasn't planning on placing lighting on the outside of the shed because he has a light on his garage that will light up the shed.

C. Ziarniak asked K. O'Toole if he had any legal concerns.

K. O'Toole stated, no.

K. Moore stated that he has no concerns because the shape of the lot and natural swale could cause water issues with neighboring properties if placed in the back of the property.

C. Ziarniak made a motion for SEQR that this item is a Type II action with a negative declaration.

J. Scheid seconded.

Unanimously carried.

H. Henick made a motion to approve the 12x24 shed to be built on the proposed location as per the application, with the condition that the shed is used for residential storage.

J. Perry seconded.

Unanimously carried.

C. Ziarniak stated that J. Green has his approval and can now move forward with getting the Building Permit to build the shed.

NEW BUSINESS:

Applicant: 80 West Ave Holdings, LLC.

Property Owner: 80 West Ave Holdings, LLC.

Property Address: 80 West Ave

Tax ID: 068.02-1-13

Zoning: Commercial

Applicant requesting 1) a special permit to place a permanent externally illuminated sign with up lighting for a Medical Professional Building on 80 West Avenue 2) an area variance for a double faced freestanding sign with combined square footage of 42 sq feet where 40 sq feet is allowed.

C. Ziarniak read through the application for 80 West Ave Holdings, LLC stating that they are requesting to put up new signage. He then described the documents provided with the application, explaining that the sign would be located 15 feet from the right of way and 15 feet from the driveway curb cut. C. Ziarniak further explained that the size itself is 36 inches high, 72 inches wide, 12 inches deep, and is non-illuminated.

H. Henick stated that the height of the sign with the base is 4.5 feet tall.

C. Ziarniak stated that there is no issues with the size of the sign and looks like it meets Town Codes for signage.

C. Ziarniak asked if there is a sign currently on the property.

Casey Sausa is present for the meeting to represent 80 West Ave Holdings, LLC. and stated that there are actually two signs on the property now.

J. Perry asked if those signs would be taken down.

C. Sausa stated, yes.

J. Perry confirmed that the new sign would be replacing the two old signs.

C. Sausa stated, that is correct.

C. Ziarniak asked if there are issues with site obstruction.

K. Moore stated that the proposed sign is not in the site triangle.

C. Ziarniak stated it would not obstruct vehicles entering or exiting.

C. Sausa stated that there is electric currently in the other signage.

C. Ziarniak asked if he wanted to have the new sign illuminated.

C. Sausa stated that an illuminated sign would be lighting inside the sign, but he would like to have lighting outside of the sign that is coming from the ground, facing towards the sign to illuminate it.

C. Ziarniak stated so the sign would be externally illuminated with uplighting.

C. Sausa stated yes.

J. Perry asked about the lighting he would like to illuminate the sign.

C. Sausa stated that it would not be anything really bright, no high wattage.

C. Ziarniak asked if he could get the lighting information from the signmaker.

C. Sausa stated that he was having an electrician do the lighting, so he could get information from them.

C. Ziarniak stated that they would need information on the lighting and shielding.

C. Ziarniak made a motion to place on the agenda for a Public Hearing on June 1st.

D. Maier seconded.

Unanimously carried.

K. O'Toole stated that the sign is double faced, so it is actually considered twice the square footage.

K. Moore stated that it had never been done that way, but we could amend the application for a variance of the size of the sign.

K. Moore asked if a new application needed to be done.

K. O'Toole stated, no but the information needed to be put on the Legal Notice for the Public Hearing.

MINUTES:

J. Perry made a motion to approve the minutes as corrected from May 4, 2022.

D. Maier seconded.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak made a motion to adjourn at 8:00 PM.

J. Perry seconded.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, June 1, 2022 at 7:00 PM held at the Town Hall.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on 6/1/2022