

**Town of Erwin
Zoning Board of Appeals Meeting
And
Public Hearing**

FEBRUARY 24, 2015

Present: Chairman Frank Thiel, Ruth Fisher McCarthy, Kris West, Bridget Ackerman, and Angela Narasimhan (Alternate)

Absent: Jay McKendrick

Guests: Patricia Thiel (Planning Board), Wayne Kennedy (Planning Board), Dave Iocco, Byron L Paris, William Hall, Rita McCarthy, Barb Lucas

Call to Order:

At 7:00 PM, Chairman Frank Thiel called the meeting to order in the meeting room of the Erwin Town Hall, 310 Town Center Road, Painted Post, NY 14870.

Minutes of the November 18, 2014 meeting have not been adopted due to a lack of quorum. Members Frank Thiel and Ruth Fisher McCarthy have cast votes to approve minutes.

2015-01 REQUEST FROM COOPERS PLAINS LONG ACRES FIRE DEPARTMENT FOR AN AREA VARIANCE AT 210 MAIN STREET TO ALLOW LOT COVERAGE OF 27.8% WHERE 15% IS ALLOWED. VARIANCE OF §130-14, AND APPENDIX B DENSITY CONTROL SCHEDULE IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to **51** adjacent property owners. A legal notice of this action printed in the Town's official newspaper, the Star Gazette on February 15, 2015, and in The Leader.

The sign variance is a Type II action under the State Environmental Quality Review Act. *No SEQRA action is required.*

The property is located in an R2.5 Residential Zone.

The applicant seeks to expand the existing 3,648 sq ft building with a 2,304 sq ft addition, for a total building area of 5,952. Together with the driveway/impervious area, this will cover 27.8% of the 21,732.6 sq ft lot. A lot coverage of 15% is allowed.

Therefore, the applicant is requesting a variance of additional lot coverage of 12.8%, an increase of 85% over the allowable coverage.

Dave Iocco, Engineer for the Applicant, presented the application. Byron L. Paris, Secretary of the CPLA Fire District, and William Hall, Chairman of the CPLA Fire District, were in attendance.

Engineer Iocco presented a history for the project to date. He noted that the property is a combination of 3 parcels. Proper documentation of the combined parcels had not originally been filed with the county and a map of the combined parcels had to be created without an original survey. A survey is in progress, but delayed due to weather. A map showing the proposed site plan, including proposed new construction, new pavement and pervious land, was prepared using Bing maps and was presented.

Engineer Iocco noted that two separate issues relevant to the Zoning Board application became known when meeting with the Planning Board about the project. The Area Variance application was resubmitted as two separate requests: for a lot size variance and a lot coverage variance. The lot size of 21692.9 sf is less than the minimum allowed lot size of 25000 sf and the proposed lot coverage of 70% is greater than the maximum allowed lot coverage of 15%.

Chairman Thiel noted that both requests will be considered as amendments to the original application.

Chairman Thiel asked how Parcel B was to be used in the project. It was noted that the existing house, garage and structures would be demolished. A concrete retaining wall would replace the existing wooden wall parallel to the north boundary.

Regarding storm water drainage, the main concern related to lot coverage, Engineer Iocco noted that while drainage in the area is excellent due to high gravel content, that storm drainage tends to run to the road and down the hill. There are no detention or retention areas on the property due to lack of space.

Town Manager Rita McCarthy noted that drainage in the area will be improved and upgraded during the sewer extension project.

Member Kris West questioned whether alternative sites had been considered. Byron Paris noted that very few alternate sites are available and the cost of purchasing land and constructing an entirely new building would severely stress their budget. Their priority is to be able to purchase and house a replacement for their pumper truck. Current housing materials and design results in hotter and faster burning structures and requires modern equipment.

Regarding the possibility of purchasing land adjacent to the existing lot, it was noted that the garage on the Lewis property is already very close to the property line and there is no opportunity to expand in that direction. There is a future possibility of being able to purchase the land currently owned by the Baptist Church. The Baptist church, on the lot bounding the north end of the property, plans to combine with the Methodist church across the street from the property. The Fire District would then purchase the adjacent lot to the north which is approximately 1.339 acres. The addition of that property would still be less than the 3 acres necessary to meet the coverage requirements but would be much closer.

Member Kris West asked for an estimate of the % lot coverage with the house and buildings currently on Parcel C in order to compare the existing conditions to the proposed conditions. It was determined that the existing house, garage and buildings on Parcel C combined with the existing Firehouse on the entire combined lots A, B & C would result in a 55% to 58% lot coverage.

Member Kris West asked if it would be possible to remove any of the existing pavement in order to decrease the lot coverage. Byron Paris noted that the size and weight of the fire equipment makes parking and driving on gravel surfaces undesirable. Existing parking of 5 or six spaces is necessary for first responding fire personnel since there is no parking allowed in front of the trucks. The fire department currently has agreements with both the Baptist Church and the Methodist Church for overflow parking when the fire hall is used for events.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:40PM.

A comment from Robert Johns, trustee of the Methodist Church across the street, was read into the record:

Called to say they have no problems with the variance. It will not affect their property. The fire department needs the space. It is to everyone's benefit.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:43 PM.

The ZBA considers the Area Variance application and the public comment and makes findings on each of the Area Variance criteria:

(1) The requested variance will not produce an undesirable change in the character of the neighborhood.

All agree.

(2) The requested variance will not create a detriment to nearby properties.

All agree. The main consideration is drainage which will be improved by the sewer project.

(3) There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.

All agree. It would not be feasible physically or in terms of cost.

(4) The requested area variance is not substantial.

All agree that it is substantial.

(5) The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

All agree.

(6) The alleged difficulty was not self-created (This consideration shall be relevant but shall not necessarily preclude the grant of the area variance)

All agree. The situation was inherited and the use of the property, size of the property and size of the equipment are not under their control.

MOTION TO APPROVE THE VARIANCE REQUEST AS AMENDED TO ALLOW 70% LOT COVERAGE WHERE 15% IS ALLOWED AND A LOT SIZE OF 21500 SQUARE FEET WHERE 25000 SQUARE FEET IS REQUIRED.

MOVED: KRIS WEST

SECONDED: RUTH FISHER McCARTHY

VOTE: 5-0

THE MEETING WAS ADJOURNED BY UNANIMOUS CONSENT AT 8:00PM.