

Zoning Board of Appeals Meeting
April 18, 2022

Present: Chairman Bill Nickal, Dan Welker, Gene Dayton, Paul Adams, Jason Tardio, Jeff Geer, Counsel Nadine Bell, Gary McDermott, Attorney Ted Perry, Jill Doss

Chairman Nickal called the continuation of the Paul & Diana Perry public hearing to order at 7 p.m.

Attorney Ted Perry, representing Paul & Diana Perry of 102 Lenox Lane, appeared before the Board this evening. Attorney Perry advised that Mr. & Mrs. Perry have returned from Florida and he met with them to discuss the requested variance for the accessory structure constructed at their property. The structure currently sits in front of the front of the house, is too close to the side yard lot line, and is two-feet in height greater than what is allowed in the Code for accessory structures. Attorney Perry proposed a solution to the several issues. He outlined that the existing shed that the accessory structure sits in front of could be relocated, allowing the accessory structure to be moved back in line with the front of the home (the front of the accessory structure would be in line with the front of the home) which would correct the front yard setback issue and the structure would be moved toward the home thus providing a 10 ft side yard setback, and a rear yard setback of 10 ft.. They are working to locate a contractor to cut the structure down from 14 ft in height to 12 ft in height (which is the height allowed for accessory structures). They will also need to get a building permit and provide all the information on setbacks with their application for building permit. These changes would relieve the need for the requested variances. The Board discussed the information with Attorney Perry and agreed this was a workable solution, but obtaining a building permit and ensuring that the proposed work would need to be done as quickly as possible. The Board agreed that this proposal for voluntary compliance needs to move forward and the applicants Paul & Diana Perry would need to keep Code Officer Geer updated with their progress. Communication in this matter is critical. With no other information being presented, the public hearing was closed.

Chairman Nickal called the regular business meeting to order.

Paul & Diana Perry 102 Lenox Lane

The applicant's attorney Ted Perry asked that the requested variances be discontinued as the applicants Paul & Diana Perry will be amending their plan by reducing the height of the accessory building from 14 feet to 12 feet, moving the accessory building so that the front of the accessory building is in line with the front of the house, that by moving the accessory structure the side yard will be 10 feet, the rear setback will be 10 feet, the existing shed (that currently sits behind the accessory structure) will be relocated to allow the relocation of the accessory structure so the front yard setback will be in compliance. Applicants are advised they will need to obtain a building permit from the Code Office and they are to keep in communication with Code Officer Geer in regard to the progress of all the changes agreed to this evening for the accessory structure.

Minutes

Upon the motion made by Gene Dayton, seconded by Dan Welker, minutes of March 21, 2022 approved as written. All members present voting in favor.

Gary McDermott - 125 W Genesee Street - variance request

Mr. McDermott appeared before the Board this evening to review his request to install a fence on his property at his east garden with a height of six (6) feet. He is looking to plant a small orchard in this area and he is trying to keep the deer out. He explained the concern he has with the deer in the area and is hoping that the fence will prevent them from ruining his planned orchard. The fence will be solid PVC with no need to paint. The Board determined this to be a Type II action for purposes of SEQR. No further action is required. The Board set a public hearing date of May 16, 2022 at 7 p.m.. This matter will need to be referred to Madison County Planning Board due to the proximity to a State/County road.

With no further business, meeting adjourned at 7:45 p.m.

Respectfully submitted,

Jill A. Doss
ZBA Secretary