

**Village of Penn Yan Zoning Board of Appeals**

**Meeting Minutes – via ZOOM**

**March 29, 2021**

TRANSCRIBED via ZOOM Recording

**7:00 pm**

**PRESENT:** Steve Owens-Chairman, Art Pike, Ruth Davis, Barbara Stewart, Gary Reagan, Kevin M<sup>c</sup>Loud – VB Liaison, Jamie Kincaid-Code, Lynn Duryea-Secy.

**ABSENT:** No one.

**PUBLIC PRESENT:** Erin Brooks, Sarah Gardner

**NEWS MEDIA PRESENT:** None

Steve – I'd like to welcome everybody to a meeting of the Zoning Board of Appeals. My name is Steve Owens. I'm the chairman of the board. We do have a quorum tonight. On our docket we had 3 applications 2 of those applications were removed as of four o'clock this afternoon. So the only application we have on our docket tonight is from Erin Brooks for a front setback variance. But before we get started with that, has everybody had a chance to take a look at our minutes from the last meeting? Are there any changes or corrections that need to be made to those?

Art, Gary Barbara – No.

Steve – Ok then, do I have a motion to accept the minutes as presented?

**A MOTION** by Art Pike and a **SECOND** from Barbara Stewart to approve the February 22, 2021 minutes.

**Art Pike – aye. Barbara Stewart – aye. Gary Reagan – aye. Motion carried.**

Steve – OK, the minutes have been presented and accepted.

Steve – Erin before we get started, I'm just going to explain that we use Robert's Rules here so we'll make a motion to bring an application to the floor and get a second on that motion and then the variance will be open and on the floor for discussion. At the end of that time, we'll go through a bunch of balancing questions on the variance and then once all those questions have been answered then the board will vote. If you get three aye votes then the variance passes. If you don't then the variance fails.

**FIRST ITEM:** Application from Erin Brooks for a front setback variance to put in a garage at 143 Brown St.

Steve – So, does everybody have a copy? This is an application from Erin Brooks for a front setback variance at 143 Brown Street. Do I have a motion to bring the application to the floor?

**A MOTION** by Art Pike and a **SECOND** from Gary Reagan to bring the application to the floor.

*[Ruth Davis joined the meeting here]*

Steve – Come on in, Ruth. All we did was go through our monthly work. We accepted the minutes as presented and we're just getting into the application from Erin Brooks for an area setback for a garage.

Lynn – And you had announced that the other two had cancelled. Just so Ruth knows.

Steve – Oh yes. And the other two applications (voicing over – garbled talking) So, all we have is the one. So, the motion is on the floor and open for discussion. Erin, unmute and talk to us.

Erin – so, I live on the corner of Brown Street.

Steve – Which is a problem because you have two front yards.

Erin – Yes. I currently have a fence that I had to get a variance for, that was put in about two years ago. If you look at my property it goes all the way around it. I would like to put in a garage because there's absolutely no outside storage on the property. The garage would actually but-up to the current fence that's on top of the hill by the driveway. So, it wouldn't come any closer to the driveway than the fence itself.

Steve – Okay, I noticed around that area you park your cars there and you park them horizontal to the street usually. Is that correct?

Erin – Yes.

Steve – Are you going to have enough space to park the cars perpendicular?

**Village of Penn Yan Zoning Board of Appeals**  
**Meeting Minutes – via ZOOM**  
**March 29, 2021**

Erin – The driveway itself would stay the same it's just the garage would actually be on top of the hill, on my property. The cars would be able to park the same way as it would be right now. The driveway wouldn't change at all.

Steve – I see what you're asking for, and Jamie you can pop in if I've got it wrong, is 8 foot of relief from the center line. Is that correct?

Jamie – Yeh, it is. Well, no, it would be 8 feet outside of the right-of-way. We have 15 feet on that street for a right-of-way. It's 23 feet to the shoulder of the road. In the village we rarely have center lines so you have to go off of the shoulder.

Steve – Oh, okay. Whenever we give a variance our goal is to give the person the least amount that they need to achieve that variance so, I don't see any number on the sheet so I'm just trying to see if it's 8 foot? The variance they're looking for is an 8 foot setback?

Jamie – Right. Instead of a 30'.

Barbara – a 30'?

Steve – No, no. I mean, so what you're telling me is a person needs 30feet from the edge of the road for a setback there?

Jamie – Yes, technically. You shouldn't be using the center line because all of our streets are different. So your setback is going to be different every time if you measure off the center line of the road. So, basically every where I've worked Steve, you go off of wherever the right-of-way ends off of that road and then it's a setback. Now, most of the village is never going to hit that. So, she would be 30' off of center line if you were to go by the center line. She's 23 feet to the shoulder. You've got a 9-foot lane, 10 foot lane.

Steve – Okay so, that's what I'm looking for right there, that 9-foot, 8-foot. That's the difference that's got her in trouble right now. She's 8 foot too close to the edge of the road.

Lynn – I heard you say 23 feet to the shoulder. 23 and 7 is 30 feet. So is it 8 feet or 7 feet?

Barbara – So she's asking for relief for 7 feet.

Jamie – It's in between 22 and 23.

Steve – So, 7 feet, 8 feet. I just want to get a number for the record. So, she's looking for 8 feet of relief. I just want to get that in there. I have a question for you. I see the garage is going to be 32 deep and that's because...?

Erin – I have a boat that's about 23 foot that I want to fit in there. I have a classic car that I haven't been able to use yet. And I don't want to pay \$500 a year to store my boat.

Steve – So the reason for the 32 feet is the 23 foot boat and the tongue and trailer so it would be unrealistic for you to shorten the garage to go back the 7 feet to meet code.

Erin – And it's going to hit the drop off if I pushed it farther back.

Steve – I know that. The property slopes right off there. So you're stuck with that hill there. To build up that slope is a big job and all that. I understand you can't do that.

Barbara – Yes, yes.

Steve – One of our main concerns is safety as an issue when it comes to something like this. You say your fence line is going to buck right up to the garage where the doors are so you'll have a visible view of the garage doors from the corner of the lot? Like if a car comes around the corner there he's going to be able to see that garage 23 or 30 feet, or whatever that is, down the lane there?

Erin – Yes.

Steve - So any kind of vehicle pulling out shouldn't be a hazard?

Erin – No.

Steve – So, the blacktop you have is going to remain?

Erin – Yes. Nothing is going to change.

Steve – Jamie, I have one question. We have different areas in the village where sidewalks have been requested or are being put in. Is there any sidewalk in the future for this area? Could that effect where her driveway is or could that effect setbacks?

**Village of Penn Yan Zoning Board of Appeals  
Meeting Minutes – via ZOOM  
March 29, 2021**

Jamie – That’s something I would have to check with Tim on, Steve. I’d imagine at some point they’d like to see a sidewalk down through there. I don’t think the garage will affect it. As long as she’s going in knowing that.

Steve – I just want you, Erin, to know that just in case it may affect how you park your vehicles. I noticed in your application you said you want to store your lawn mower. Will that go in there also or just the toys.

Erin – Oh yeah. That will be stored and I have a woodworking shop in the basement that will go in there. Right now, everything’s sitting outside my house with a cover over it.

Steve – Does anyone have any questions for Erin? Her major problem is that she’s on a corner lot and they have 2 front yards with all kinds of new rules and regulations.

Barbara – Yes. We get a lot of them.

Gary – I just want to clarify. I have one question. You do need that 32’ depth? You can’t reverse the dimensions from 32 by 28 to 28 by 32? That would give you 4 feet.

Steve - How would you back a boat in there from the road?

Erin – I don’t know how that would work and would totally affect the boat. I wouldn’t be able to back it in from the driveway.

Gary – Okay. That’s all I had.

Steve – Good question to see if there’s another means available to the applicant. Jamie, are there any other concerns with this garage in its placement other than what we brought up today?

Jamie – No. No change in site for traffic or anything like that and the fence is already there. There’s really no safety issues and no traffic issues.

Steve - Based on all those points I’m now going to ask our questions.

The Board then conducted the Balance Test and from the application they found;

Benefit could not be achieved by other means since the property had 2 front yards subject to the 30’ setback rule and the sloping property prevented placement of the garage at the conforming setback. A smaller building with the front wall situated at the 30’ setback was also not an option since the boat and vehicles expected to be stored inside would not fit.

The garage situated less than 30’ from the property line would not cause an undesirable change in the neighborhood character or to nearby properties.

The request was not substantial.

The garage placement closer to the property line than 30’ would not have any adverse environmental effects. Adverse physical effects, such as a sight hazard for traffic, were evaluated and found not to be a concern.

The alleged difficulty had not been self-created due to the fact that this corner lot had no other options for placement other than the side street location in front of a considerable slope in the yard.

**Art Pike – aye. Ruth Davis – aye. Barbara Stewart – aye. Gary Reagan – aye. Motion carried.**

**Variance Granted** for a garage structure to be situated no nearer than 22’ from the established lot line along the South Avenue side of the property and would be connecting to the existing fence on that side.

**OTHER BUSINESS:**

Steve – Has everybody seen in the other-business listing the mayor has decided that in-person meetings will resume as of April? Okay, I will see you if we have something on our docket. Are we okay, Lynn? It doesn’t bang into anything? Holidays, or anything?

Art – Where are we going to be. In the same room?

**Village of Penn Yan Zoning Board of Appeals  
Meeting Minutes – via ZOOM  
March 29, 2021**

Lynn – The following month there’s a conflict. Do you want to pick a date for that now in case there’s no April meeting? You’ve got Memorial Day on your May meeting date.

Steve – Yes, I would like to.

Barbara – May 24<sup>th</sup>?

Lynn – The Monday before?

Steve – Yeh, that would be fine with me.

Lynn – That okay with you Gary and Art and Ruth?

Gary, Art, Ruth – Yes.

Barbara – Can I ask what happened to the other applications?

Steve – The seller of the property accepted an offer from another party that has no strings attached so Upstate Regional Properties pulled their variance applications.



**A MOTION** by Art Pike and a **SECOND** from Ruth Davis to adjourn the meeting at 7:30pm.

**Art Pike – aye. Ruth Davis – aye. Barbara Stewart – aye. Gary Reagan – aye. Motion carried.**

Submitted by Secretary:

Lynn Duryea