

**ZONING BOARD OF APPEALS
VILLAGE OF PORT DICKINSON**

Date: **June 13, 2023, 6:30pm**

Call to Order at 6:39 p.m.

Roll Call Attendance – Present:

ZBA	Eric Backlund, Chair	Planning	Patrick Doyle
ZBA	James Brady	Planning	Vince Lomanaco
ZBA	Roger Shaller	Planning	Ed Corcoran
ZBA	Jospeh Griswold	Planning	absent
ZBA	David Robertson	Planning	absent
	Village Clerk	Susan Fox	
	Village Attorney	Nathan VanWhy	

CHAIRPERSON:

- 1.) Welcome to the Village of Port Dickinson Zoning Board of Appeals Meeting. Tonight's meeting is a joint meeting of the Zoning Board of Appeals and the Planning Board. The purpose of tonight's meeting is to hold a public hearing and consider the application for area variance by ***Jeremy & Christina Reeder of 18 Riverview Rd.***
- 2.) First, some housekeeping:
 - a. Please note the location of emergency exits and restrooms
 - b. Take a moment to silence your mobile devices
 - c. We will open a public hearing where the applicants will present their application, during and after which they may be questioned by the ZBA and/or the Planning Board.
 - d. The public will then have opportunity to comment on the application, and are asked to begin by providing their name and address for the record.
 - e. After public comment, the public hearing portion of the meeting will be closed. The ZBA will converse and deliberate, ideally rendering a decision this evening.
- 3.) The Planning Board will elect a temporary Chair for this meeting. Patrick Doyle was elected as temporary Chair.

The Public Hearing will now begin. 6:41 p.m.

REGARDING APPLICATION FOR AREA VARIANCE by **Jeremy & Christina Reeder** who are seeking to allow a 24' 10" width driveway, where permitted width *"shall not exceed the total width of the doors of a structure to which the driveway leads, plus five (5) feet"* as provided in Village Code Section 65-14(c). Existing driveway is 16' 10", applicant seeking additional eight (8) feet.

RE: Address of Property: **18 Riverview Rd**
Tax Map No.: 128.83-1-9
Zoning District: Residential

The following are hereby entered into the minutes:

- (X) Affidavit of Publication in official newspaper
- (X) Affidavit of Posting by the Village Clerk

- (X) Affidavit of Mailing the notice of the hearing to neighboring property owners
- (X) Short EAF filed by the Applicant
- (X) General Municipal Law Section 239 recommendation from Broome County
Planning and Economic Development Department
- () Correspondence received from ____ N/A _____
- () Village Planning Board recommendation – *see below*

The Applicants **Jeremy & Christina Reeder** are now asked to present their application.

Discussion points:

Following written application, the Reeders have a single car garage and single driveway in disrepair. They are seeking to improve the driveway and make it bigger so they can park off the street. The plan if approved would give their property a better appearance and utility.

We will now open the meeting to Public Comment. Speakers shall be recognized by the Chair before addressing the Board. Before comment please state your name and address for the record. _____ p.m.

There were no members of the public in attendance.

The following persons spoke in favor of the appeal: N/A

The following persons spoke to deny the appeal: N/A

MOTION to Close the Public Hearing

FIRST: Griswold SECOND: Robertson

VOTE:		AYE	NAY
Chair	Backlund	<u> X </u>	<u> </u>
Member:	Brady	<u> X </u>	<u> </u>
Member:	Griswold	<u> X </u>	<u> </u>
Member:	Shaller	<u> X </u>	<u> </u>
Member:	Robertson	<u> X </u>	<u> </u>

at 6:47 p.m.

Planning Board Recommendation

The Planning Board recommended that the area variance be granted.

VOTING

SEQR REVIEW

This is a request for an area variance for a single family, two family or three family residence and is determined to be a TYPE II action, therefore pursuant to 6 NYCRR 617 State Environmental Quality Review is not required.

MOTION that the ZBA is lead agency in SEQR review and that the action is Type II.

FIRST: Griswold SECOND: Brady

VOTE:		AYE	NAY
Chair	Backlund	<u> X </u>	<u> </u>
Member:	Brady	<u> X </u>	<u> </u>
Member:	Griswold	<u> X </u>	<u> </u>
Member:	Shaller	<u> X </u>	<u> </u>
Member:	Robertson	<u> X </u>	<u> </u>

6:49 p.m.

DELIBERATION - AREA VARIANCE

TEST: The statutes provide that in making its determination on an application for an area variance, the board of appeals must balance the benefit to be realized by the applicant against the potential detriment to the health, safety and general welfare of the neighborhood or community if the variance were to be granted. No area variance will be granted without a consideration of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes___No__X__

Reasons: _____

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes___No__X__

Reasons: _____

3. Whether the requested variance is substantial: Yes___No__X__

Reasons: _____

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes___No__X__

Reasons: _____

5. Whether the alleged difficulty was self-created (which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance): Yes_X_No__

Reasons: _____

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that *(select one)*:

~~_____ the Benefit to the Applicant **DOES NOT** Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied **OR**~~

__X__ the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

Reasons: *the modification would result in a positive change to the property and the neighborhood.*

The ZBA further finds that a variance of *the requested eight (8) feet* from Section 65-14 of the Village Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: *the desired result and improvement can only be obtained by granting this variance.*

~~CONDITIONS (OPTIONAL): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:~~

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

MOTION to approve the requested variance

FIRST: Robertson SECOND: Griswold

VOTE:

		AYE	NAY
Chair	Backlund	<u> X </u>	<u> </u>
Member:	Brady	<u> X </u>	<u> </u>
Member:	Griswold	<u> X </u>	<u> </u>
Member:	Shaller	<u> X </u>	<u> </u>
Member:	Robertson	<u> X </u>	<u> </u>

6:59 p.m.

There being no other business before the ZBA, we will entertain a **MOTION** to adjourn

FIRST: Griswold SECOND: Robertson

VOTE:

		AYE	NAY
Chair	Backlund	<u> X </u>	<u> </u>
Member:	Brady	<u> X </u>	<u> </u>
Member:	Griswold	<u> X </u>	<u> </u>
Member:	Shaller	<u> X </u>	<u> </u>
Member:	Robertson	<u> X </u>	<u> </u>

7:00 p.m.