

## **Town of Middlesex / Zoning Board of Appeals Public Hearing**

**Minutes September 2, 2021, 7pm (rescheduled from August 19<sup>th</sup> )**

Zoning Board of Appeals Members: Chair – Rebecca Parshall; Board Members present: Ted Carman, Elizabeth Grant, Richard DeMallie, Win Harper (alt)

Others present: Attorney Rob Brenner, Esq., Dawn Kane, CEO

Public Present: Julie Hoffman, Roger Loomis, Roberta Brink

Public Hearing was called to order at 7:00p.m.

Ms. Kane, CEO introduced the applicants present and stated the Gould application would be rescheduled due to a scheduling conflict by the owner. The applications had been duly noticed with legal notices sent to neighboring parcel and publication in the Daily Messenger on August 26<sup>th</sup> which had not brought any inquiries on either of the applications heard tonight. had not been any inquiries from legal notices sent or the August 26<sup>th</sup> publication in the Daily Messenger on the two applications heard tonight.

Chair Parshall was in attendance by a zoom link. She established a quorum of members and gave a brief summary of the criteria required of the Zoning Board of Appeals in determining a variance, stating all persons need to be recognized by the Board prior to speaking. Any request for variance from the Town's Zoning Law, was given up to sixty-two (62) days for the Board to determine after closing of the Public Hearing. She cited Sec. 908.0 of the Town of Middlesex Zoning Law which offered the applicant an appeal to the Supreme Court by proceeding with an Article #78 of the Civil Practices Law and Rules to be instituted within (30) thirty days after the filing of a decision by the Zoning Board of Appeals.

1. Application #080721-ZBA

Applicant: Roberta Brink owning property at 1807 Route #245, Naples NY 14512 Tax ID # 40.00-02-14 (A/R)

Property owner Roberta Brink stated she was asking a 10 ft. variance from the front setback to locate a porch to the front of her residence 90 feet from the centerline of the road, whereas the zoning required 100 ft. CEO Kane

Chair Parshall invited discussion.

After a brief discussion all Board Members stated they had visited the site and stated due to the lay of the land and the enjoyment of the view in front that this location seemed to be the most optimum location onsite.

Without further discussion, Chair Rebecca Parshall entertained a motion to move on the variance request. A motion to approve the variance request was made by Board Member Carman and seconded by Board Member Harper.

A motion to authorize the Special Use Permit with conditions was made by Ted Carman and seconded by Win Harper.

The motion so carried with the following vote:

Roll Call vote:

Rebecca Parshall	aye		
Elizabeth Grant	aye	Richard DeMallie	aye
Ted Carman	aye	Win Harper	aye

After complete review of the file and the testimony given at the Public Hearing, and after due deliberation, the findings of fact were noted. Refer to the Findings and Decision form.

2. Application #080421-ZBA

Applicant: Julie E. Hoffman owning property at 828 S. Lake Road, Middlesex, Tax ID # 11.83-1-9 (L/R)

The applicant introduced herself, provide a history of the lot and the reason for placement of a 12 x 20 ft. storage shed in the location requested.

Chair Parshall invited discussion.

Board Members stated they had visited the site, and inquired if the applicant had considered locating the shed closer to the rear of the house, which would provide erosion management protection from storm runoff to the house from upland parcels. Putting it in this location would lessen the variance request and the land is flatter nearer to the house.

The applicant stated she was not opposed to rethinking the shed's location and would reconsider.

Without further discussion, Chair Parshall entertained a motion to reconvene next month on October 7<sup>th</sup> and determine the variance request.

Board Member made the motion and Board Member Carman provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

Chair Parshall made a motion to close the Public Hearing at 7:28pm

Draft Minutes from July 15<sup>th</sup> were reviewed and Board Member Grant made a motion to approve the draft minutes as submitted. Board Member Harper provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

Without further discussion, Board Member Grant made a motion to adjourn and Board Member Harper provided a second. The motion so carried with all Board Members present voting in favor.

Adjournment at 7:30pm

Draft Minutes submitted by L. Lersch

Minutes accepted on 10/07/21