

**TOWN OF POMPEY ZONING BOARD OF APPEALS MINUTES
OCTOBER 26, 2015**

The Town of Pompey Zoning Board of Appeals meeting was held on Monday, October 26, 2015 at 7:00 pm at the Town Hall. Present were: Chairman David Tessier, Kevin Sharpe, Dave Hale, DonNeugebauer and Pat Frazee. Also, Town Attorney Jeff Brown and Code Enforcement Officer Rick Penhall was present.

Chairman Tessier opened the meeting at 7:00 pm. He explained that tonight we have two items on the agenda.

Chairman Tessier then read the application of Kevin Linck of 4161-4163 Palmer Road for an area variance. The Board does not have a recommendation from SOCPA tonight. The application was too late to be on the SOCPA agenda until Tuesday, November 10, 2015. We can proceed, the County usually takes no position on an area variance. The Board could approve contingent upon SOCPA's response.

Kevin Linck stated that the house was built in 1995. He purchased in 2003. His lawyer found that the garage was built too close to the road. The distance should be 50 feet, but it is 39.71 feet from the road.

Dave Hale stated that he drove up and down the road and he sees no conflict. The house has been there for 20 years.

Both Pat Frazee and Kevin Sharpe agreed with Dave.

Chairman Tessier stated that this would be a Type 2 action, an area variance does not need a SEQR review.

Motion by D. Tessier, seconded by P. Frazee that the Type 2 action needs no further environmental review. All in favor.

Motion by D. Neugebauer, seconded by K. Sharpe to open the public hearing. All in favor.

The variance would need to be for 38 feet.

Motion by K. Sharpe, seconded by D. Neugenbauer to close the public hearing. All in favor.

Motion by P. Frazee, seconded by D. Hale to approve the area variance for 38 feet set-back contingent upon SOCPA approval. All in favor.

Chairman Tessier then stated that the next item on the agenda is Dan Dimon of 7501 Burke Road (formerly Ted Carley Farm).

Chairman Tessier stated that the concern is that it is right on the Town Road. Town Highway Superintendent Tom Purcell does not have any issues with it. It is a foot and a half onto the Town easement. Setback is 50 feet from the right-of-way.

Dan Dimon stated that he has no other options. He has a contract with Onondaga County Soil & Water for 15 years not to build on the south side to protect the wetlands. This is the best way to do it. Drainage is another issue.

Kevin Sharpe asked the question, is there any access to the structure from the road?

Dan Dimon stated that it is a free stall. Working with Onondaga County Soil & Water and DEC, they thought it would be the best way to take care of drainage and run off. The new construction, when poured will come up 4 feet and will take run off from the road.

Chairman Tessier told him that he would like to see him work with Mr. Purcell.

Pat Frazee thought he should be commended for working Soil & Water.

Dan Dimon stated that he spent an additional \$15,000. There will be over 7,000 square feet of concrete poured. Also, spent an additional \$25,000. Trying to take the right steps.

Dave Hale stated he thought Dan was making it better.

Chairman Tessier asked the Board if they thought we needed a contingency about parking there.

Pat Frazee said no.

Chairman Tessier stated it will be 130 foot long and 30 foot wide. Any other questions?

Motion by Tessier, seconded by D. Hale to open the public hearing. All in favor.

Mrs. Gloria Mabie said that Dan's done a good job. He should be commended.

Tom Fecteau, 3618 Henneberry Road drives up and down the road all the time and it looks like a win.

Motion by D. Tessier, seconded by D. Hale to close the public hearing. All in favor.

Motion by D. Tessier, seconded by K. Sharpe to approve SEQR as a Type 2 action needs no further environmental action. All in favor.

Motion by P. Frazee, seconded by D. Hale to approve the variance for a 10x130 foot addition onto existing free stall with condition to install drainage on north side of building contingent upon Highway Superintendent Tom Purcell's approval. All in favor.

Motion by D. Tessier, seconded by P. Frazee to go into Executive Session at 7:50 pm to discuss pending ligation. All in favor.

Motion by D. Tessier, seconded by K. Sharpe to adjourn Executive Session at 8:15 pm. All in favor.

Motion by K. Sharpe, seconded by D. Neugebauer to adjourn at 8:15 pm. All in favor.

Respectfully Submitted,

Darla M. Mawson, Secretary
Town of Pompey Zoning Board of Appeals