

**TOWN OF POMPEY ZONING BOARD OF APPEALS MINUTES  
AUGUST 25, 2014**

The Town of Pompey Zoning Board of Appeals meeting was held on Monday, September 29, 2014 at 7:00 pm at the Town Hall. Present were: Chairman David Tessier and members Kevin Sharpe, Don Neugebauer. Also Code Enforcement Officer Rick Penhall and Town Attorney Jeff Brown.

Chairman Tessier opened the meeting and introduced the Board. He then read the first application into the record.

He also stated that both applications have been sent to SOCPA for review. Their meeting is not until Wednesday, Aug. 27<sup>th</sup>. We have two options: the Board can adjourn until the next meeting to make a decision after we receive the comments from SOCPA or we can vote to approve contingent upon SOCPA approval.

**DEREK & SUSAN REYNA:** Public Hearing on a side line variance located at 7737 Gates Road. Derek Reyna was present.

Chairman Tessier stated that farm zone side yard set back is 20 feet. Applicant is asking for 5 ½ foot variance.

Don Neugebauer stated that he didn't see the proposed addition on map. Could it be elsewhere?

Derek Reyna stated that the way the house is arranged this is the most cost effective way to do an addition of 15x15 foot. If he went to the rear of the house the septic would have to be relocated. It is a ranch. The current addition (which would be added to) has crawl space underneath. Would just continue that on. Will follow the same roof line.

Don Neugebauer asked about the tree line being the property line.

Derek Reyna. No. Trees were planted on vacant lot next door.

Chairman Tessier asked if there were any other questions from the Board. No. Asked if there were any comments from the public. No.

Kevin Sharpe asked the applicant if he could go rectangle (north-south)?

Derek Reyna stated that he would have to go out considerable amount. Just based on speaking with the builder regarding cost, etc. Roof line will stay the same, go out 15 feet to the east.

Chairman Tessier stated that the side yard variance would go from 20 feet to 14 ½ feet.

Motion by Frazee, seconded by Neugebauer to close the public hearing. All in favor.

Motion by Frazee, seconded by Sharpe to approve the request for 14 ½ foot side yard variance at 7737 Gates Road contingent upon SOCPA comments.

**TUPNOR, INC.:** Public Hearing on a front line variance at property located on Sweet Road in the Hamlet of Pompey Hill. William Porter was present. Mr. Porter stated that he is President of Porter Real Estate.

Chairman Tessier read the application into the record. Applicant would like to build a new cottage in the Hamlet of Pompey. The lot is 212 foot deep and 99 foot frontage, about ½ acre. Lot does show driveway.

Mr. Porter stated that he has developed shopping centers, major one is in Cortland where TOPS is located on Groton Avenue. Have traveled thru Pompey a lot. Beautiful way to start the day. He has contacted his neighbors to acquire their property. Mr. Radway and Dan Roach.

Also wanted to build two buildings, 8 units each. Apartments for younger families. He talked to Mr. Chrysler and asked him how he felt about it. He said, no apartments because of well issues. Had no knowledge of well issues so gave his word there would be no apartments. The Radway family doesn't know if they want to sell.

Mr Porter stated that he is also a Presbyterian preacher. He was asked to speak at Presbyterian Church. Noticed they spent about 10-15 minutes in church talking about each other. Thought this is the kind of community he would like to live in.

He will build an attractive home. Daughter is a librarian at the Fabius-Pompey School. The lot has been cleared.

Chairman Tessier asked about two stakes in front. Are these the 99 foot markers?

Mr. Porter stated yes. He then showed the Board some before and after pictures with the tree removal.

Chairman Tessier stated that tonight the issue is a front line variance of 1 foot from 100 foot to 99 foot.. Zone is also residential. Any questions from the Board?

Don Neugebauer asked what is a Hamlet Commercial?

Rick Penhall stated that for commercial frontage required would be 150 feet. If it is residential requirement is 100 feet.

Chairman Tessier stated that this is for different usages in the Hamlet. Will hear from the

neighbors now. Please state your name.

Alan Kosoff stated he is the owner of the Post Office building. Just wanted to say that he sees this as very encouraging for something new in the hamlet.

Darlene Smith wondered if it is going to be used for residential, would the zoning change?

Chairman Tessier stated no. It is a permitted usage.

Tim Chrysler – Cherry Street. His property goes around the back end of the property. John Radway couldn't be here tonight, so will speak for him. Radway family doesn't want to sell. Knows building needs a facelift. Knows the options for him and John. Brush was cleared out years ago, act as a fence for him, now bare space. All the neighbors don't want change, liked it the way it was.

Chris French stated that where the stake is and Mr. Radway's property, there is 2 feet where his building comes out the side (showed Board picture on his phone). Part of building comes out (John's) about 6 feet from new property stake. John has no access to his property now. Driveway he used was on church property.

Tim Chrysler stated property was abandoned when church burned in 1946. John thought property line was close to French's. Didn't know there was a separate lot in between.

Chairman Tessier stated he knows there are well and septic issues. Probably issues owner will have to take up with the County Health Department.

Patricia Fuller, Cherry Street. Stated that the house next to the property is the house she grew up in. When considering, consider the people around there. People in Town have been out of water.

Mitzi French lives next door to the property. Wanted to hand in a petition signed by 41 people in the Hamlet not to grant the variance.

Mike Latocha stated he has cleared the land and no building is that close to the driveway. Found a car and moved it to John's land. Tires full of water. Feels that the neighbors would want cleaned up. He had a tick on him when he got home that day. One step to clear up other spots in Town. Well already there. There is enough room to do water and septic. The pine trees and blue spruce were covered in vines. If house is set just right, no one will see it. Garage will be so won't see the Radway building.

Patricia Fuller asked if he is granted the variance, what if he sells.

Chairman Tessier stated it is allowed.

Billie Jo Goodno wondered when there are so many other pieces of land available, why this one?

Chairman Tessier stated it is the owner's choice.

Tina Morrow thought the biggest problem is what's beautiful to her, is not beautiful to another. It has completely changed the lot. She is 48 years old, grew up on that block. Assumed property was Radway's.

Mitzi French stated that main septic too close to wells. When two families were living in the Catholic Church rectory there were water problems. Lack of privacy. We've all lost privacy. Not what you want. Don't want to look into each others houses.

Chris French also wonders if minimum of 100 feet is it. Next week someone comes in and asks for more.

Chairman Tessier stated the 100 foot hard guideline. Case by case basis. Driveway use will be between the two owners.

Missy Carr, Cherry Street. Well hasn't been used in years. Wells in town only 20 feet or so. To drill another well, could cause more problems.

Chairman Tessier stated that the County Health Department will have some say. Our concern is the 1 foot. That is what we are here for. Also, have to wait for SOCPA on Wednesday for comments.

Rick Penhall said the septic is the county decision. Probably in front of the property.

Mr. Porter stated that he is determined to go forward. Will be better when done than it is now.

Motion by Sharpe, seconded by Frazee to close the public hearing. All in favor.

Don Neugebauer feels it is Mr. Radways problem to fix his driveway issue. But can't get past the water issues.

Chairman Tessier understands. We could go for a month and wait for SOCPA comments.

Pat Frazee every building, every lot has ramifications for someone.

Chairman Tessier stated the Hamlet zone was created around this. If say no on 1 foot variance, is 100 foot an issue? Is driveway site distance an issue? If deny, why 99 foot doesn't work. Have trouble with that.

Pat Frazee wondered what the front yard set back is?

Rick Penhall stated it is 50 feet.

Chairman Tessier stated that there are five items to consider for a variance. Standards of proof. Weight balance, benefit to applicant and detriment to health, safety & welfare of the community.

1. Whether benefit can be achieved by other means feasible to applicant. No
2. Undesirable change in neighborhood character or to nearby properties. No
3. Whether request is substantial. No.
4. Whether request will have adverse physical or environmental effects. No.
5. Whether alleged difficulty is self-created. Yes.

Every action requires environmental form. Change allows the Board to consider 7 questions on environmental impact.

Attorney Jeff Brown stated general community concerns are not basis for denial. If put off for a month, we could get more information.

Kevin Sharpe stated that if we grant the variance and the residences end up having issues with water, where does it go from there?

Chairman Tessier stated that his concern is about completing the form. Need more time. The hearing is closed. Can't hear any more comments. Recommend meeting with the Town Attorney. To complete form correctly, recommend come back next month. September meeting will be on the 29<sup>th</sup> at 7 pm. Is that agreeable with the Board?

Motion by Sharpe, seconded by Neugebauer to adjourn the Tupnor, Inc. public hearing until September 29, 2014 at 7 pm. All in favor.

Adjourn at 8:45 pm.

Respectfully Submitted,

Darla M. Mawson, Secretary  
Town of Pompey Planning Board