



# ZBA Meeting

## Minutes

**Tuesday, December 13, 2022 at 6:00 pm**

Attendees: Chairman: David Swan, Members: David Morse, David Smith,  
Jo Sue Nash, and James Austin. Secretary: Michelle Seeley, CEO  
Thomas Hargrave

### Guests

Mr. & Mrs. Brimmer, Steve King, Joseph Seeley, Ralph Seeley.

#### 1. Pledge/Call to Order/Roll Call

#### 2. Prior Minutes

**Minutes:**

A motion by David Smith seconded by Jo Sue Nash to approve the minutes from December 13, 2022. The Motion passed

**Vote results:**

Ayes: 5 / Nays: 0

#### 3. New Business

##### a. Appeal 2 of 2022- Steve King Area variance

**Minutes:**

This application is for an area variance for a new fence to be installed on this property. The zoning law section 11.8.1.10 stipulates all fences shall be set back (2) feet from the property line so the fence may be properly maintained from the owners property. The issue with this type of application is that the posts for the fence would be located directly in the path of the drainage ditch and culverts from the town installation. The request is for allowing the fence to be built on the lot line between the properties. Mr. King explained that he had placed a drainage pipe 2' off the property line several years ago, he would not be able to place the fence in the proper place without damaging the pipe. Mr. and Mrs. Brimmer questioned the type of fence that would be used. Their concern is maintenance and the ability to cut their grass near the fence. Mr. King stated that the fence would be a 6' 3 rail split board pre built fence.

The Board went through the Area Variance questions:

FINDINGS: The Board discussed the evidence received and made the following findings with unanimous agreement: 1. Change Character of the Neighborhood. It does not create a detriment to nearby properties; the appearance should not be a problem.

1. Other Feasible Methods. It appears that there are no other feasible methods, because of the drainage pipe.

2. Is the Request Substantial? Joe Sue Nash and David Morris agreed that the request was substantial but it was justifiable. the remaining members of the Board agreed that it is not a substantial request .
3. Effect on Physical or Environmental Conditions. The Board agreed unanimously on the following: There is nothing to indicate an undesirable effect on the physical or environmental conditions in the neighborhood or district. There appears to be no health or safety issues.
4. Self-created Issue. This is relevant to the decision but doesn't necessarily preclude the granting of the variance. The Board said it was not self-created.

DECISION: Based on these findings documented in the record, the Zoning Board of Appeals, decides as follows: A motion was made by David Smith, seconded by David Morse , that the Board hereby grants the variance as requested by Steve King APPLICATION #1 of 2023 for an area variance to allow a fence tp be built on the property line.

**Vote results:**

Ayes: 5 / Nays: 0

#### 4. Other Business Before the Board

End of term

**Minutes:**

Josue Nash has decided not to ask for reappointment to the Board, a new member will be appointed for the open seat by the Town Board, when a suitable candidate is found.

#### 5. Announcements

#### 6. Adjournment

**Minutes:**

With no further business before the Board, A motion to close the meeting was made by David Smith and seconded by David Morse.

**Vote results:**

Ayes: 5 / Nays: 0