

Village of Hammondspport Zoning Board of Appeals
Public Hearing and Regular Meeting
January 23, 2017

PRESENT: Tim Atwood, Chairman
Board Members: Bob Deseyn
Robert Matthewson
Debra Robbins

OTHERS PRESENT: Robert Magee, Bee Keck, Ray Orr, Matthew Orr, Chad Robbins, Tara Muller, Duncan Springstead, Audrey Springstead

Chairman Atwood called the Public Hearing to order at 7:01 p.m.

The first Public Hearing was on Area Variance Application 2016-42, submitted by Matthew Orr, on behalf of the B&H Railroad. The applicant is requesting three variances in order to construct a residence on Parcel 6 of the B&H Railroad property located at Liberty and Mill Streets. Variance 1 is requesting relief from the minimum 20 foot side yard setback requirement on the southern side yard property line. Variance 2 is requesting relief from the minimum 20 foot side yard setback requirement on the northern side yard property line. Variance 3 is requesting relief from the minimum 50 foot back yard setback requirement on the eastern side yard property line.

Questions were raised regarding the flood plane of the house. The applicant's contractor, Matthew Orr explained that there will be fill brought in to raise the grade of the house to meet the flood plane of 723 feet from its current grade of 718 feet. The proposed owner does not want steps into the home. Questions were asked on the retaining wall and where it will be located. Matthew Orr explained that the retaining wall will only be in front of the deck. It will have steps down to the dock and planters in it. Village resident, Duncan Springstead asked for the location of parcel 6. Zoning Officer, Robert Magee had a drawing and explained the lay out and location of the property. There was discussion on the size of the home being built and on testing that has been done on the ground for that lot.

Chairman Atwood stated that the purpose of the meeting was to go over two applications; the first one is Area Variance Application 2016-42 submitted by Matthew Orr on behalf of B&H Railroad. The applicant is requesting three variances in order to construct a residence on Parcel 6 of the B&H Railroad property located at Liberty and Mill Streets. Variance 1 is requesting relief from the minimum 20 foot side yard setback requirement on the southern side yard property line. Variance 2 is requesting relief from the minimum 20 foot side yard setback requirement on the northern side yard property line. Variance 3 is requesting relief from the minimum 50 foot back yard setback requirement on the eastern side yard property line.

The board reviewed the SEQR. The board has determined, based on the information and analysis, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

ROLL CALL VOTE: Tim Atwood-Aye
Bob DeSeyn-Aye
Robery Matthewson-Aye
Debra Robbins-Aye

M239 was marked as received from Steuben County Planning Department stating the County has reviewed the application and has not revealed any significant inter-community or county-wide considerations.

Discussion: Area Variance application was reviewed and each answer to the application was discussed.

1. Overview of project: Clear the lot of brush and debris. Raise the grade to meet flood plane of 723'. Pour a concrete foundation for a modular home. Build a 16' by 48' deck on the front of the home. Build a retaining wall in front of the deck.
2. Will the benefit the applicant will receive outweigh any burden to health, safety, and welfare suffered by the community? The applicant stated that it will improve the lot by cleaning up the area and increase safety. There will be a new home placed on the lot. It will bring new tax revenue to the village.
3. Will your project result in any adverse affect on the character or quality of the neighborhood? The applicant stated it will improve the looks of the neighborhood and increase value of surrounding properties with the construction of the new home.
4. Can the project be modified in a way to avoid the need for relief? The buildable area is too small, with it being long and narrow.
5. Is the requested area variance substantial? Not for the total lot size.
6. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? The applicant states, not at all. The SEQR was reviewed.
7. Is the alleged hardship or difficulty self-created? The applicant states that it is a need because the buildable lot area is too small. It is located in a low density residential district.

As a result of the above discussion the Zoning Board of Appeals has concluded with the following findings:

1. The home will not result in an undesirable change to the character of the neighborhood or a detriment to nearby properties. The applicant is clearing the lot and building a new home.
2. The benefit sought by the applicant cannot be achieved by any other method as the buildable lot is narrow.
3. The requested variance is not substantial, not for the total lot size.
4. There would be no adverse effect or impact on the physical or environmental condition in the neighborhood.
5. Hardship or difficulty was self created because of the size of the buildable lot and the desire of the applicant to build the home closer to Keuka Lake.

Decision:

Chairman Atwood made a motion seconded by Bob DeSeyn to approve, based on the aforementioned findings, the area variance 2016-42 submitted by Matthew Orr, on behalf of the B&H Railroad. The applicant is requesting three variances in order to construct a residence on Parcel 6 on the B&H Railroad property located at Liberty and Mill Streets. Variance 1 is requesting relief from the minimum 20 foot side yard setback requirement on the southern side yard property line. Variance 2 is requesting relief from the minimum 20 foot side yard setback requirement on the northern side yard property line. Variance 3 is requesting relief from the minimum 50 foot back yard setback requirement on the eastern side yard property line.

ROLL CALL VOTE: Tim Atwood- Aye
Bob DeSeyn- Aye
Debra Robbins- Aye
Robert Matthewson-Nay

Motion Carried

The second Public Hearing was on Area Variance Application 2016-43, submitted by Chad Robbins, on behalf of the B&H Railroad. The applicant is requesting a variance on order to construct a dock within the water rights of Parcel 6 of the B&H Railroad located at Liberty and Mill Streets. The application requests relief from The Keuka Lake Uniform Dock and Mooring Law Section Six, A, d, which requires that "The total square footage of the consolidated dock shall not exceed 1,200 Square feet".

Questions on the dock square footage and usable water depths were answered by Chad Robbins. He explained that the dock had a section taken out on the drawing to try to decrease the square footage needed. Bob DeSeyn recommended that the square footage should be put back in for increased safety and turning radius on the dock. It would change the square footage of the dock from 1429 square feet to 1471 square feet. It changes the relief requirement from 330 square feet to 372 square feet.

Chairman Atwood then directed to board to discuss the second Area Variance Application 2016-43, submitted by Chad Robbins, on behalf of the B&H Railroad. The applicant is requesting a variance on order to construct a dock within the water rights of Parcel 6 of the B&H Railroad located at Liberty and Mill Streets. The application requests relief from The Keuka Lake Uniform Dock and Mooring Law Section Six, A, d, which requires that "The total square footage of the consolidated dock shall not exceed 1,200 Square feet".

The board reviewed the SEQR. The board has determined, based on the information and analysis, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

ROLL CALL VOTE: Tim Atwood-Aye
Bob DeSeyn-Aye
Robert Matthewson-Aye
Debra Robbins-Aye

M239 was marked as received from Steuben County Planning Department stating the County has reviewed the application and has not revealed any significant inter-community or county-wide considerations.

Discussion: Area Variance application was reviewed and each answer to the application was discussed.

1. Overview of project: The applicant would like to construct a permanent dock on the property. The dock will be constructed as per the prints. Steel pile will be driven. The dock will have a steel sub floor. There will be 2' by 8' pressure treated joists with a composite deck fastened with stainless steel screws.
2. Will the benefit the applicant will receive outweigh any burden to health, safety, and welfare suffered by the community? The dock needs to allow the applicant to access boats. Additional square footage is common for this area to access a usable water depth for boating. No burden will be suffered by the community as it will be less length than the dock located closest to it. It will also have less square footage than the next closest dock.
3. Will your project result in any adverse affect on the character or quality of the neighborhood? An undesirable change will not be produced as it will be shorter that the

dock closest to the property. Currently the property is unkempt. The dock, as an extension of the house project, will improve the area.

4. Can the project be modified in a way to avoid the need for relief? No, because of the length of dock square footage needed to achieve a usable water depth. The total allowed square footage would be taken on the length of the dock to get it to usable water depth and this would allow no square footage for the boating slips or sitting platform.
5. Is the requested area variance substantial? No, uniform dock and mooring laws allow for code officers to extend length and thus extend square footage to allow applicant into usable water depth. It is the applicant's opinion that they are asking for exactly what the law allows.
6. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No, as the docks that are next to the property are much longer and have more square footage. The SEQR was reviewed.
7. Is the alleged hardship or difficulty self-created? No, the applicant cannot control the depth of the water. The owner will be selling a current boat and purchasing a shallow draft boat to try to use the docks in minimal water depth.

As a result of the above discussion the Zoning Board of Appeals has concluded with the following findings:

1. The dock will not result in any undesirable change to the character of the neighborhood or detriment to nearby properties. The dock will extend into Keuka Lake.
2. The benefit sought by the applicant cannot be achieved by any other method as the applicant needs to have the extra square footage to allow the applicants dock to extend into usable water depth.
3. The requested variance is not substantial. The allowed square footage by the uniform dock and mooring laws is 1,200 square feet. The drawing shows a portion of 42 square feet that was removed to try to reduce the square footage. The board found that the 42 square feet should be added back in to increase the safety of the dock. It would change the square footage of the dock from 1429 square feet to 1471 square feet. It changes the relief request from 330 square foot to 372 square foot.
4. There would be no adverse effect or impact on the physical or environmental condition in the neighborhood as the dock will extend into Keuka Lake. The dock will be smaller than the dock located next to it.
5. Hardship or difficulty was not self created as applicant cannot control the depth of the water.

Decision:

Chairman Atwood made a motion seconded by Bob DeSeyn to approve, based on the aforementioned findings, the area variance 2016-43 submitted by Chad Robbins, on behalf of the B&H Railroad. The applicant is requesting a variance on order to construct a dock within the water rights of Parcel 6 of the B&H Railroad located at Liberty and Mill Streets. The application requests relief from The Keuka Lake Uniform Dock and Mooring Law Section Six, A, d, which requires that "The total square footage of the consolidated dock shall not exceed 1,200 Square feet", with the following conditions:

- A. The 42 square feet, from the original drawing, be added back in to increase the safety of the dock. It would change the square footage of the dock from 1429 square feet to 1471 square feet. It changes the relief request from 330 square foot to 372 square foot.

ROLL CALL VOTE: Tim Atwood- Aye
Bob DeSeyn- Aye
Debra Robbins- Aye
Robert Matthewson-Nay

Motion Carried

Bob DeSeyn made a motion seconded by Debra Robbins to adjourn the meeting at 8:05 p.m.

Respectfully Submitted,

Tammie Flynn
Recording Secretary